# Management Plan

# for the

# Columbia River Gorge National Scenic Area

**As amended through September 2020**

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# Contents

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## INTRODUCTION

Page

Overview of the National Scenic Area Act ..... 2
A Vision of the Columbia Gorge ..... 3
Historical Background ..... 6
Development of the Management Plan ..... 8
Organization of the Management Plan ..... 10
How to Use the Management Plan ..... 11

## PART I: RESOURCE PROTECTION AND ENHANCEMENT

Part-Chapter-Page

**Chapter 1: Scenic Resources**
Introduction ..... I-1-1
GMA Provisions ..... I-1-2
Overall Scenic Provisions ..... I-1-2
Key Viewing Areas ..... I-1-5
Landscape Settings ..... I-1-14
Scenic Travel Corridors ..... I-1-29
Signs ..... I-1-34
SMA Provisions ..... I-1-36

**Chapter 2: Cultural Resources**
Introduction ..... I-2-1
GMA Provisions ..... I-2-3
SMA Provisions ..... I-2-22

**Chapter 3: Natural Resources**
Introduction ..... I-3-1
GMA Provisions ..... I-3-3
Wetlands ..... I-3-3

Streams, Ponds, Lakes, and Riparian Areas .....I-3-11
Wildlife Habitat ..... I-3-18
Rare Plants .....I-3-25
SMA Provisions ..... I-3-30
Water Resources ..... I-3-30
Wildlife and Plants ..... I-3-31

**Chapter 4: Recreation Resources**
Introduction..... I-4-1
GMA Provisions: Overall Goals, Objectives, and Policies ..... I-4-4
Protection of Resources..... I-4-4
Scenic Appreciation and Scenic Travel Corridors ..... I-4-5
Resource-Based Recreation ..... I-4-6
River Access and Protection of Treaty Rights ..... I-4-7
Interpretation/Education ..... I-4-9
Trails and Pathways ..... I-4-10
Transportation ..... I-4-12
Coordination..... I-4-13
GMA Provisions: Recreation Intensity Classes .....I-4-14
SMA Provisions: Overall Goal, Policies, and Guidelines ..... I-4-24
SMA Provisions: Recreation Intensity Classes..... I-4-26

## PART II: LAND USE DESIGNATIONS

**Chapter 1: Agricultural Land**
Introduction..... II-1-1
GMA Provisions..... II-1-2
Large-Scale and Small-Scale Agriculture..... II-1-2
Agriculture-Special ..... II-1-15
SMA Provisions ..... II-1-21

**Chapter 2: Forest Land**
Introduction..... II-2-1
GMA Provisions..... II-2-2
SMA Provisions ..... II-2-16

**Chapter 3: Open Space**
Introduction..... II-3-1
GMA Provisions..... II-3-3
SMA Provisions ..... II-3-10

**Chapter 4: Residential Land**
Introduction..... II-4-1
GMA Provisions..... II-4-3
SMA Provisions ..... II-4-10

**Chapter 5: Commercial Land**
Introduction..... II-5-1
GMA Provisions..... II-5-3

**Chapter 6: Recreation Designations**
Introduction..... II-6-1
GMA Provisions..... II-6-1
Public Recreation ..... II-6-1
Commercial Recreation..... II-6-5
SMA Provisions ..... II-6-18
Public Recreation ..... II-6-18

**Chapter 7: General Policies and Guidelines**
Savings Policies .....II-7-2
Standards for Applications, Expiration of Approvals, Vested Rights ..... II-7-3
Existing Uses and Discontinued Uses ..... II-7-4
Consolidation of Lots ..... II-7-9
Uniform Application of Management Plan .....II-7-10
Applying New Less-Stringent Regulations to Development Approved
Under Prior National Scenic Area Regulations..... II-7-10
Uses Allowed Outright ..... II-7-11
- All Land Use Designations Except Open Space & Agriculture Special...II-7-11
- GMA and SMA Open Space ..... II-7-16

Expedited Development Review Process..... II-7-20
Emergency/Disaster Response Actions .....II-7-26
Land Divisions.....
II-7-41 Lot Line Adjustments ..... II-7-42
Agricultural Buildings ..... II-7-45
Temporary Use--Hardship Dwelling..... II-7-46
Sewer and Water Services ..... II-7-47
Docks and Boathouses ..... II-7-47
Home Occupations..... II-7-48
Overnight Accommodations ……..[PAGE]
Bed and Breakfast Inns ..... II-7-49
Small-Scale Fishing Support and Fish Processing Operations ..... II-7-49
Resource Enhancement Projects ..... II-7-51
Disposal Sites for Spoil Materials from Public Road Maintenance Activities II-7-52
Commercial Events .....II-7-54
Industrial Development..... II-7-56
Variances from Setbacks and Buffers ..... II-7-56
Vegetation Control Methods ..... II-7-57
Review Uses..... II-7-57
Columbia River Bridge Replacement ..... II-7-63
Special Uses in Historic Buildings .....II-7-64

# PART III: ACTION PROGRAM

**Chapter 1: Climate Change**
Introduction..... [PAGE]
GMA Provisions..... [PAGE]

**Chapter 2: Recreation Development Plan**
Introduction..... III-1-1
GMA and Urban Area Provisions ..... III-1-1
SMA Provisions ..... III-1-5

**Chapter 3: Economic Development**
Introduction..... III-2-1
GMA Provisions..... III-2-1

**Chapter 4: Enhancement Strategies**
Introduction..... III-3-1
Overall GMA and SMA Enhancement Strategies ..... III-3-1
Scenic Resources Enhancement Strategies .....III-3-2
Cultural Resources Enhancement Strategies..... III-3-4
Natural Resources Enhancement Strategies ..... III-3-6
Recreation Resources Enhancement Strategies..... III-3-7
Forest Land Enhancement Strategies ..... III-3-8
Agricultural Land Enhancement Strategies ..... III-3-9
Emergency Services Strategies..... III-3-10

**Chapter 5: Interpretation and Education**
Introduction..... III-4-1
GMA/SMA Provisions ..... III-4-1

# PART IV: ADMINISTRATION

**Chapter 1: Gorge Commission Role**
Introduction..... IV-1-1
Amendment of the Management Plan ..... IV-1-1
Revision of the Management Plan..... IV-1-2
Monitoring Implementation of the Management Plan ..... IV-1-2
Civil Penalties ..... IV-1-4
Appeals to the Gorge Commission ..... IV-1-4
Revision of Urban Area Boundaries ..... IV-1-5
Revision of National Scenic Area Boundaries ..... IV-1-
6 County Ordinances..... IV-1-
6
Public Involvement ..... IV-1-7

**Chapter 2: Forest Service Role**

Introduction..... IV-2-1
Land Adjustment ..... IV-2-2
Land Acquisition Direction..... IV-2-3
Purchase ..... IV-2-4
Land Exchange ..... IV-2-5
Rights-of-Way Needed for Public Access ..... IV-2-5
Effect on Local Government Finances ..... IV-2-5
Revision of SMA Boundaries..... IV-2-6
Monitoring and Enforcement ..... IV-2-6
Scenic Resources ..... IV-2-7
Cultural Resources and Treaty Rights ..... IV-2-8
Natural Resources ..... IV-2-8
Open Space ..... IV-2-9
Forest and Agricultural Lands ..... IV-2-9
Recreation..... IV-2-10
Land Acquisition..... IV-2-10
Economic Development ..... IV-2-10
National Forest System Lands Direction ..... IV-2-11

**Chapter 3: Indian Treaty Rights and Consultation**
Treaty Rights and Consultation in the GMA ..... IV-3-1
Treaty Rights and Consultation in the SMA..... IV-3-5

## APPENDIX

**Columbia River Gorge National Scenic Area Act**

## GLOSSARY

## INDEX

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## LIST OF TABLES AND MAPS

| Table Number | Title | |
|---|---|---|
| N/A | Required SMA Scenic Standards | I-1-38 |
| N/A | Priority Habitats | I-3-39 |
| 2 | Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge | I-3-46 |
| 3 | Columbia Gorge and Vicinity Endemic Plant Species | I-3-47 |
| 4 | Natural Areas | I-3-48 |
| N/A | SMA Desired Forest Structure and Pattern | II-2-27 |

**Vicinity Map**.....15

# Introduction

The Columbia River Gorge is a national treasure. It contains an unparalleled combination of scenery, geology, plants, wildlife, and multicultural history. In November 1986, Congress recognized the world-class significance of the Gorge when it passed the Columbia River Gorge National Scenic Area Act. Congress's proceedings and debates capture this significance:

"The Columbia River Gorge is a spectacular canyon where the Columbia River cuts through the Cascade Mountains and divides the States of Oregon and Washington. It includes abundant natural resources, including dramatic waterfalls and geologic formations." (*Congressional Record*, Senator Gorton)

"The Gorge, in itself, is an extremely important geological feature. . . . The Columbia River cut its way through the Cascade Range by eroding a 60 to 70 mile long, almost straight gorge with sharply raising escarpments of up to 3,000 feet above a river that ranges from 1/4 to 1-1/2 miles in width. . . . The Cascade Range affects climate, flora, and fauna in the region. The climate varies considerably from one end of the Gorge to the other. The western end of the Gorge has a mild, moist climate, while the eastern end has wide temperature ranges and approaches a semiarid condition." (*Congressional Record*, Representative Vento)

"Many threatened and endangered species of fish and wildlife live there. Tributary streams of the Columbia River within the Columbia Gorge contain important anadromous fish resources. . . The fantastic beauty of Columbia Gorge has beckoned mankind for over 11,000 years. In ancient times Chinookan and Sahaptain Indians hunted its mountains and fished along the river's edge. For centuries the Columbia River has been a major center of commerce and trade." (*Congressional Record*, Senator Evans)

"The complex geology and climatic conditions within the Gorge has produced an equally complex plant community . . . . Eight hundred plant species are found in the Gorge of which 58 are considered rare or endangered." (*Congressional Record*, Representative Vento)

"The Columbia River holds a unique place in the development of this country, and of the early history of the Pacific Northwest. It was the gateway for early traders, explorers and pioneers. The Gorge and the Columbia River continue to have an important position in the economy of the entire Pacific Northwest." (*Congressional Record*, Senator Gorton)

"It is the location of some of the most wondrous scenic vistas in North America as well as the home of over 44,000 people. The hundreds of millions of dollars worth of commercial activity which occurs there has contributed to the area's attractive livability." (*Congressional Record*, Senator Hatfield)

"This grand old river's importance to the economy of the Northwest can hardly be overemphasized . . . . The towering

waterfalls, spectacular vistas and unsurpassed recreation opportunities of the Gorge bring millions of visitors to the area every year." (*Congressional Record*, Representative Weaver)

## OVERVIEW OF THE NATIONAL SCENIC AREA ACT

The National Scenic Area Act identifies two purposes:

1. To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

2. To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph 1.

The National Scenic Area lies to the east of Portland, Oregon and Vancouver, Washington. It stretches about 83 miles from the Sandy River on the west to the Deschutes River on the east in Oregon and from Gibbons Creek in Clark County to a line 4 miles east of Wishram in Washington. The National Scenic Area covers portions of six counties: Clark, Skamania, and Klickitat counties in Washington, and Multnomah, Hood River, and Wasco counties in Oregon.

The Act requires a Management Plan that treats the two-state, six-county area as a single region. Congress established a two-tiered management approach for preparing the Management Plan. It divided responsibility between the U.S. Department of Agriculture Forest Service and the Columbia River Gorge Commission, a bi-state commission representing local, state, and national interests. The six Gorge counties were authorized to implement the Management Plan through land use ordinances that are consistent with the Management Plan.

The National Scenic Area Act designated 13 urban areas, and four Special Management Areas (SMAs). The first National Scenic Area planners coined the term “General Management Area” (GMA) to refer to lands not specifically designated as urban areas or SMAs.

The 13 urban areas are cities and towns throughout the National Scenic Area: North Bonneville, Stevenson, Carson, Home Valley, White Salmon, Bingen, Lyle, Dallesport, and Wishram in Washington and Cascade Locks, Hood River, Mosier, and The Dalles in Oregon. Together they comprise approximately 10 percent of the National Scenic Area. The urban areas are exempt from the Management Plan, but are eligible to receive federal funds authorized to implement it. The Act envisions that the urban areas are the primary focus for future growth and economic development.

Special Management Areas make up approximately 40 percent of the National Scenic Area. Congress intended SMAs to include the most sensitive landscapes. The Forest Service prepares land use designations and guidelines for the SMAs. Through the National Scenic Area Act, the Forest Service has the authority to purchase lands, or interests in lands, in the SMAs, and the opportunity to exchange federal lands

elsewhere for privately held forest lands within SMAs. The Forest Service may use other authorities to acquire lands in the GMA.

The Act specifies stringent standards for the SMAs, including prohibiting land divisions prohibiting new homes on parcels less than 40 acres in size. and regulating forest practices to avoid adverse effects to scenic, cultural, natural, and recreation resources.

About half of the National Scenic Area is comprised of the General Management Area, including the Columbia River. The Gorge Commission is authorized to plan for the GMA. These lands are predominantly devoted to agricultural and forestry uses, but also contain scattered areas of existing residential development. The Act specifies nine broadly worded standards for the GMA and the Gorge Commission has discretion to determine how to meet those standards.

## A VISION OF THE COLUMBIA GORGE

Taking its cue from the National Scenic Area Act and Congress's emphasis of the qualities of the National Scenic Area, the Gorge Commission developed a vision statement in 1988. This statement, which follows, provided a framework for developing the Management Plan and continues to guide the Gorge Commission's actions.

*The Columbia River Gorge is an area of worldwide importance,*

*Where scenic qualities and diverse landscapes, together with their natural and cultural components, are paramount,*

*Where development and recreation are carefully placed in a manner that protects resources,*

*Where the human presence is lightly demonstrated, and where lessons from the past are a constant guide and inspiration for the future.*

*To achieve this vision the Columbia River Gorge Commission will provide:*

*Stewardship of this legacy and trust,*

*Leadership for implementation of the National Scenic Area Act and the Management Plan,*

*Partnership with communities, tribal governments, and agencies, and*

*A vision of the Gorge as a region and the river as a bond.*

***Columbia River Gorge Commission 1988***

The Management Plan for the National Scenic Area is based upon Congress's direction, the Gorge Commission's vision and experience with managing private land, the. Forest Service's expertise with managing large landscapes, county and city governments' local knowledge, state and federal agencies, tribal governments, concerned citizens, and interest groups. This collective vision provides a sense about the future of the Gorge. It supplies the adhesive that binds the plan.

The core of the vision was drawn by Congress in the purposes and standards of the National Scenic Area Act. These bold strokes call for a

delicate balance of protection and development. The National Scenic Area Act recognizes the human presence amidst a spectacular landscape with remarkable natural resources and presents a model for reconciliation between them.

The reconciliation lies in Congress's different treatment of urban areas and SMAs from the rest of the National Scenic Area. The vision calls for prosperous cities and towns in the Gorge, large SMAs with little development, and carefully planned development in the GMA.

Urban areas are eligible for federal funds under the National Scenic Area Act. The Act allows revisions to urban area boundaries consistent with careful urban planning and resource protection. Urban areas must grow efficiently to minimize costs of growth and to function as providers of services. In short, the vision tips the balance toward development in the urban areas.

The Management Plan reinforces this vision for the urban areas. It encourages urban development to occur in the urban areas by limiting urban scale development and urban land uses outside urban areas to those areas where commercial development is already occurring, areas uniquely suited to commercial use in conjunction with resource-based recreation, and historic buildings where the commercial use must support rehabilitation and preservation of the building.

Outside urban areas, the vision calls for protection of the grandeur of one of America's great landscapes. Standards in the National Scenic Area Act require protection and enhancement of scenic, cultural, natural, and recreation resources.

Outside the urban areas, the vision tips the balance toward protection and enhancement of Gorge resources. This vision paints a picture far from devoid of human enterprise outside of urban areas. It embraces agriculture and forestry and accords a special role to recreation. The forests, pastures, and rolling cropland of the western Gorge; the woodlands, orchards, and vineyards of the middle Gorge; and the expansive grazing and wheat lands of the eastern Gorge are protected from residential and commercial sprawl. Agricultural and managed forest lands are not only part of the cultural landscape of the Gorge; they also make a significant contribution to the Gorge economy.

Recreation received much attention from Congress in the National Scenic Area Act. Congress envisioned new points of access to the Columbia River and its tributaries, visitor accommodations, trails, viewpoints, and interpretive facilities, all in a manner that does not affect the treaty reserved rights and other rights of the four Columbia River treaty tribes. Since 1986, dozens of new recreation facilities have been constructed.

Reconciliation between protection and development of resources also lies in Congress's different treatment of the SMAs from the GMA. Congress strictly limited new development in the SMAs: no land divisions, no commercial development unless recreational in nature, and no new houses on tracts of land smaller than 40 acres. Congress did not apply any of these limitations in the GMA. Congress also authorized $40 million for acquisition of interests in

lands in the SMAs. Congress saw the SMAs as indeed special, where little new development would occur.

The Management Plan protects the Gorge's scenic travel corridors and lands from strip commercial development. In the Gorge today, a clear distinction exists between town and country. The plan secures that distinction.

The Gorge landscape will remain largely as it is—always changing, always the same. The open spaces of the SMAs will remain open. Forests and farms will come and go and come again; they will not be replaced by residential subdivisions. New buildings and land uses will tread lightly upon the landscape and will blend into the landscape as visible from key viewing areas. Rural settlements will retain their existing character and rural way of life, including a strong tradition of home-based occupations.

Enhancement programs based upon incentives for property owners and managers and requirements to bring pre-Act development into compliance with National Scenic Area standards will, over time, sustain essential values and remove unnecessary discordant features from the landscape.

Tribal governments are partners in the National Scenic Area on a government-to-government basis and through close staff connections. The Gorge Commission and Forest Service give special attention to protecting cultural resources and treaty-reserved rights. The Management Plan envisions a process of learning about and avoiding disturbance of cultural resources, and of interpretation without adverse effect, all in close consultation with the four Indian tribes that have treaty-reserved rights within the National Scenic Area (The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama Nation).

The Management Plan envisions healthy populations of sensitive plant and wildlife species throughout the Gorge, accomplished by protecting and enhancing their habitat. Highly protective buffers keep conflicting development a safe distance from sensitive plants, wildlife, wetlands, and riparian areas. Minimum parcel sizes to manage density, limitations on land uses, and requirements for buffers prevent cumulative effects of development on protected resources.

A chain of wildlife habitat will emerge on the islands in the Columbia River and on river bottomlands in the western Gorge. This habitat, together with more careful regulation of grazing on public land, continues to improve wetlands and riparian areas over time. Incentive and education programs will lend support to traditional good stewardship in the Gorge. These programs will help improve and restore wetlands and riparian areas on private lands.

New vistas, campgrounds, river access points, trails and other forms of resource-based recreation, both publicly owned and privately owned, will be created in rural areas throughout the National Scenic Area. Like other development, these new recreation facilities will blend into the landscape. New facilities will not locate on the Gorge's most valuable agricultural land.

Recreation growth will respond to

demand within resource constraints and will be carefully planned so it does not overwhelm the Gorge and the ability of Gorge communities to support it.

Public and private partnerships will develop—as they already have with the conference and interpretive centers—to multiply the effect of federal funding for recreation facilities. As the number of tourists and recreationists has grown and generated demand, alternative modes of transportation— boat, rail, and bus—have become a form of recreation. A network of connected and coordinated trails are developing, including riverfront trails and trails linked to urban areas. Recreation facilities, such as The Gorge Discovery Center, will entice visitors to the east end of the Gorge. This will help spread the economic benefits of tourism and relieve some of the pressure on recreation sites in the west end of the Gorge.

Stretches of the Historic Columbia River Highway that had been closed to the public will continue to be restored for recreation access. They will become among the premier hiking, biking, and accessible facilities in the Northwest, featuring the outstanding scenery and rich history associated with this national landmark.

Recreation planning will reach new levels of coordination among landowners, recreation purveyors, and providers of emergency, public safety, and other kinds of services. Agencies will develop a system of recreation user fees to support services.

Such are some of the outcomes of the Management Plan based on a collective vision for the Gorge's future.

In short, the vision and the plan seek to keep the unique resource qualities of the Gorge intact in the years ahead and to encourage growth and development consistent with these qualities, steering it primarily into urban areas.

## HISTORICAL BACKGROUND

The Columbia River Gorge was forged from geological events dating back millions of years. It was shaped further at the end of the Ice Age by the great Missoula floods that followed and by the vulcanism that created the Cascade Mountains. In a report to the Gorge Commission in preparation for the first Management Plan, author and Portland State University professor John Eliot Allen wrote the following:

"The geologic evolution of the Columbia River Gorge is a result of 40 million years of predominantly volcanic activity. But it also involves faulting, folding, uplift and subsidence, erosion and sedimentation, repeated northward movement of the [Columbia River] valley, a period of cataclysmic flooding, and finally extensive landsliding. The Gorge thus exhibits a remarkable diversity of geologic events matched by few other places in North America."

The human presence in the Gorge, dating back at least 10,000 years, undoubtedly is related in part to the physical geography of the Northwest. The near sea-level passage of the Columbia River through the Cascade Mountains provided a natural corridor, a relatively easy means of movement for early inhabitants. But the river's remarkable fishing opportunities, easily accessible at Celilo Falls, also drew these early inhabitants to the Gorge.

**INTRODUCTION**

Over time, subsistence needs led to exchange and eventually to the barter among Native Americans that Lewis and Clark observed in 1805.

In more recent time, in addition to the Lewis and Clark expedition, the Gorge served as a transportation corridor for fur traders. It became a passage route for settlers and missionaries following the Oregon Trail. It was an area of tensions between fur traders and Native Americans and altercations involving Native Americans, missionaries, and settlers, culminating in the signing of treaties in 1855. The beginning of non-Native American settlements followed, and an influx of newcomers has continued to this day.

In the last half of the 1800's, river and then railroad transportation came of age. The 1850's witnessed the beginning of the colorful era of sternwheelers plying the river and eventually the development of locks to bypass the Cascade rapids. This was followed by the financial ups and downs of the great railroad-building competition that eventually brought what is known today as the Union Pacific along the south bank of the Columbia River (completed in 1889) and what is known today as the Burlington Northern Santa Fe along the north bank (completed in the first decade of the 1900's).

The Gorge was to experience still more change in the era of highway building. What is known today as the Historic Columbia River Highway, started in 1913 near Troutdale, was pushed through to Hood River in 1915 and finally completed to The Dalles by 1922. A sensitive balance between engineering necessity and the beauty of its surroundings, this highway opened the Gorge to recreation and stimulated growth and development in communities on both sides of the river. As automotive transportation became more universal, the present Washington State Highway 14 was pushed through in segments, and bridge crossings of the Columbia River replaced ferries at Hood River (1918) and Cascade Locks (1925) and eventually The Dalles. These changes were capped finally by Interstate 84, developed through the Gorge on the south bank of the Columbia River in the 1950s.

Arguably, the greatest change in the Gorge was the damming of the river: Bonneville Dam in 1937 and The Dalles Dam in 1960. These and other dams converted the swift flow of the Columbia River into a series of lakes. They resulted in a series of impacts, including those to traditional fishing methods, inundation of residential areas as well as the revival of river transportation and the introduction of power transmission lines visible today in many parts of the National Scenic Area.

By the 1930s, development impacts on the Gorge were becoming a source of concern. In 1937, the Pacific Northwest Regional Planning Commission pointed out that the qualities of the Gorge had national significance. It proposed that the area be established as an interstate park. World War II interrupted the growing interest in protecting Gorge resources, but by the 1950s both Oregon and Washington created gorge commissions. Their effectiveness, however, became limited by inadequate funding, lack of authority, and opposition from various factions.

In the 1970s, successor commissions, by now meeting together, helped four

county planning agencies prepare special Gorge zoning provisions regulating development along the river. In 1979, the U.S. National Park Service made a comprehensive study of the area. The findings, published in 1980, indicated trends toward land development that threatened the resources of the Gorge.

From 1980 through 1984, several Columbia River Gorge bills appeared before Congress, but there was no consensus in the Northwest delegation. At a retreat in the summer of 1985, philosophical differences were finally resolved, and late in the 1986 session, Congress passed the Columbia River Gorge National Scenic Area Act (Public Law 99-663).

## DEVELOPMENT OF THE MANAGEMENT PLAN

The National Scenic Area Act specifies a schedule and a three-step process for developing the Management Plan.

The Gorge Commission adopted the first version of the Management Plan in October 1991. The U.S. Secretary of Agriculture concurred with the Management Plan in February 1992.

Congress directed the Gorge Commission to review the Management Plan no sooner than 5 years, but at least every 10 years, to determine whether it should be revised. The Gorge Commission adopted the first *Revisions to the Management Plan* in May 2004. The Secretary of Agriculture concurred with the revisions in August 2004.

In 2016, the Gorge Commission and Forest Service began work on a second revision to the Management Plan and adopted the revisions in September 2020. Upon adoption of the Management Plan, the Gorge Commission submitted the plan to the Secretary for review. The Forest Service provided the Management Plan for the SMAs, which must be adopted by the Gorge Commission. The Secretary of Agriculture concurred with the revisions in [DATE]

## ORGANIZATION OF THE MANAGEMENT PLAN

The Management Plan is organized into four parts, following this Introduction.

**Part I** identifies goals, objectives, policies, and guidelines for resource protection and enhancement. Individual chapters cover scenic resources, cultural resources, natural resources, and recreation resources.

**Part II** addresses land use designations. Individual chapters identify the goals, objectives, policies, and guidelines for each land use category: agricultural land, forest land, open space, residential land, commercial land, and recreation designations. These six chapters are followed by a chapter on general policies and guidelines that affect all uses in the National Scenic Area, regardless of land use designation.

**Part III** outlines an action program, with chapters devoted to climate change, the recreation development plan, economic development, enhancement strategies, and interpretation and education.

**Part IV** focuses on the role of the Gorge Commission, the Forest Service, and Indian treaty rights and consultation.

The **appendix** contains a copy of the National Scenic Area Act. A **glossary** and **index** are provided to facilitate use of the document.

All chapters in Parts I and II, and Chapter 1 in Part III, are organized so the first part of the chapter focuses on the GMA (or combined GMA and SMAs) and the second part focuses on the SMAs.

## Management Plan Maps

The Management Plan utilizes three principal maps:

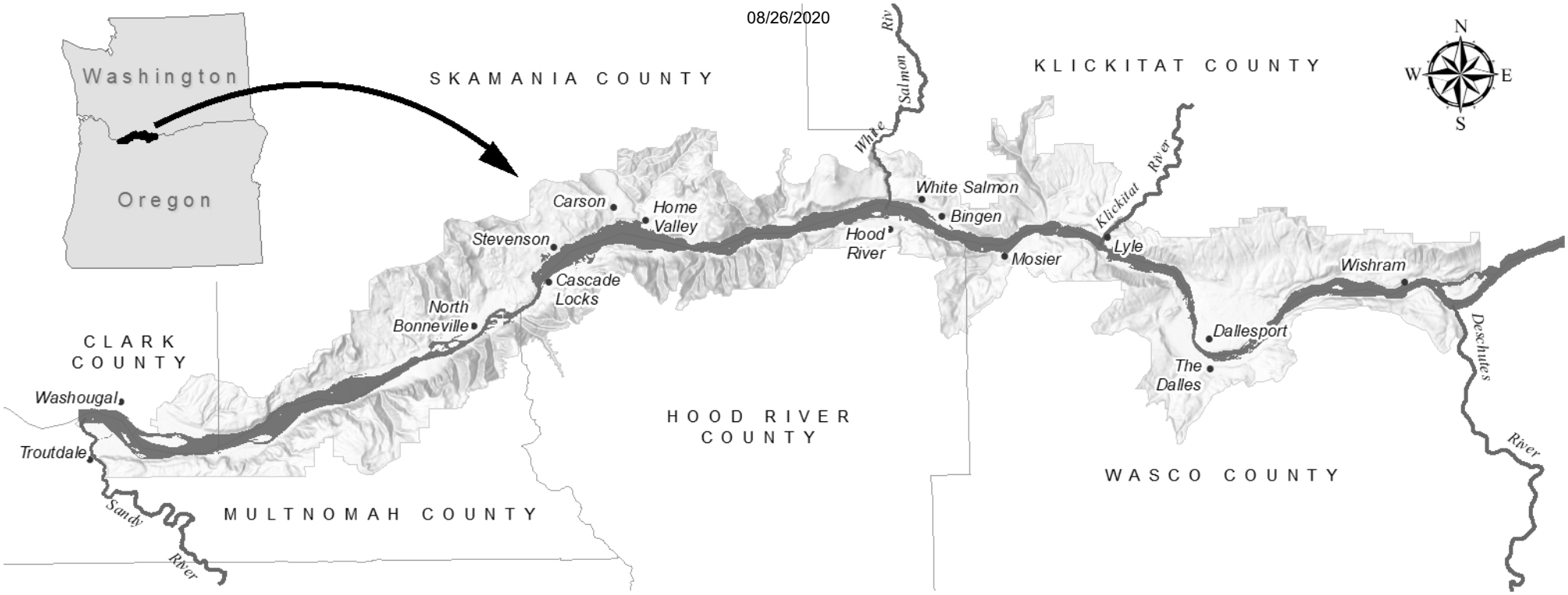
- Landscape settings (used in conjunction with Part I, Chapter 1: Scenic Resources)
- Recreation Intensity Classes (used in conjunction with Part I, Chapter 4: Recreation Resources)
- Land use designations (used in conjunction with the land use designations addressed in Part II)

Copies of these maps are available at the Gorge Commission and on their website.

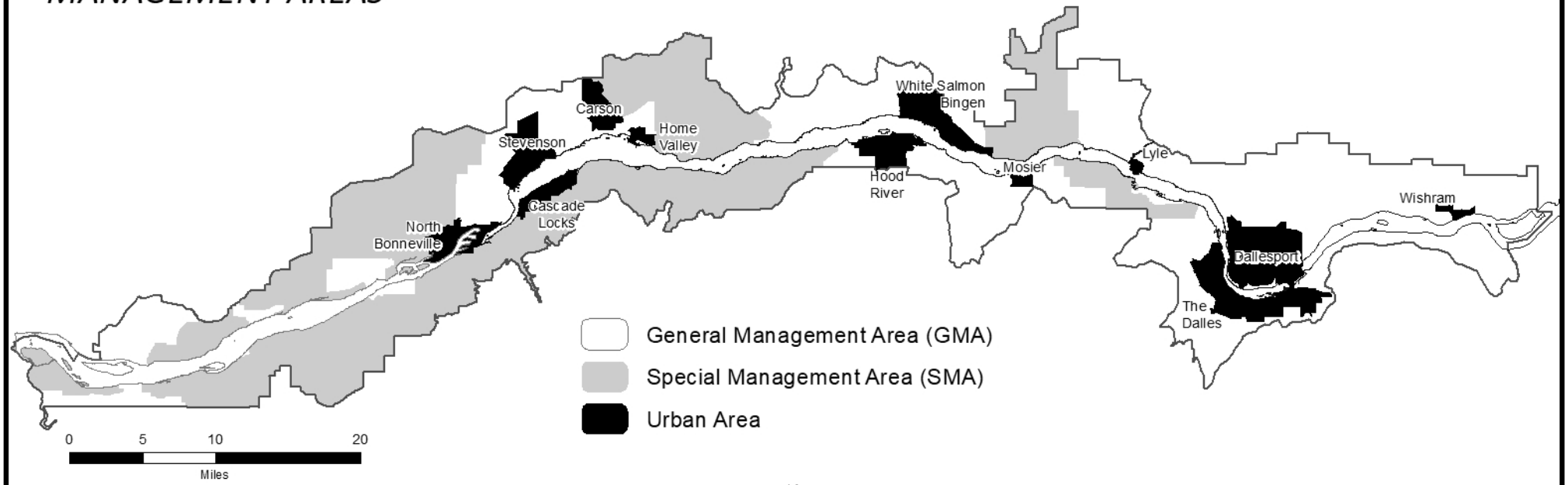
Congress provided generalized boundary lines for the GMA, SMAs, urban areas, and National Scenic Area exterior boundaries on the maps referenced in Section 4 of the National Scenic Area Act. Copies of these maps are available for review at the offices of the Gorge Commission and the Forest Service, National Scenic Area. The Gorge Commission adopted legal descriptions through rulemaking and maintains Geographic Information System (GIS) map representations of the legal descriptions.

## Diversity, Equity, and Inclusion Statement [PLACEHOLDER]

Statement placeholder




## MANAGEMENT AREAS



# PART I

## Resource Protection and Enhancement

CHAPTER

# 1

# Scenic Resources

The Columbia Gorge is world renowned for its outstanding scenic beauty. The sea level chasm the Columbia River has cut through the Cascade Mountains, and the dramatic diverse landscapes it contains, create unparalleled grandeur. Within an hour's drive, one can witness towering cliffs and forests, orchards and farms, and sweeping grasslands. It is widely acknowledged that the need to protect the special scenic resources of the Gorge provided the major impetus for establishing the National Scenic Area. Much of the Gorge, with its steep landforms, forested slopes, waterfalls, pastoral areas, and rural townscapes, has outstanding visual diversity, integrity, and memorability. The natural, cultural, and recreational resources of the Gorge are an inherent part of scenic resources..

## NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act's first purpose, as stated in Section 3(1), includes a mandate to protect and enhance scenic resources of the Columbia River Gorge. The Act directs the Gorge Commission to inventory the scenic resources of the Gorge and protect them by establishing guidelines and designating areas as open space. Open spaces, which the Gorge Commission is charged to protect and enhance [Section 6(d)], include: "scenic. . . areas;. . . outstanding scenic views and sites;. . . and Federal and State wild, scenic, and recreation waterways" [Section 2(l)].

## KEY ISSUES

Several major issues had to be addressed in developing scenic resource protection provisions. One of the greatest challenges has been the need to establish guidelines to accommodate new development in a manner that protects scenic quality in the face of significant growth pressures for residences and related development. These pressures result from a number of factors, including substantial growth of the Portland/Vancouver metropolitan area and the rapid development of the Gorge as the leading windsports area in North America, if not the world. The fact that the Gorge consists of many steep areas where development can be highly visible, combined with the desire for new residences with panoramic views, poses major challenges. The need to develop provisions that address long-term, cumulative effects of new development on the character of existing landscapes is as crucial as measures addressing the impacts of individual developments.

Another issue involves meeting the National Scenic Area Act's mandate to increase recreation river access while protecting scenic resources. Much of the shoreline area is both significant and sensitive from a scenic standpoint. This challenge required specific policies and

guidelines that accommodate additional river-oriented recreation in a careful and sensitive manner.

## OVERVIEW OF SCENIC RESOURCES PROVISIONS

The Gorge Commission and Forest Service have developed specific programs to address protection of scenic quality on lands visible from key viewing areas, maintenance of existing landscape settings, establishment of scenic travel corridors, and provisions for signs. The goals, objectives, policies and guidelines of this chapter provide a framework to guide actions of federal, state, and local agencies and private entities that may affect scenic resources of the National Scenic Area. This chapter is divided into the following sections:

Landscape Setting Character Descriptions

<u>GMA Provisions:</u>

- Overall Scenic Provisions
- Key Viewing Areas (KVAs)
- Landscape Settings
- Scenic Travel Corridors
- Signs

<u>SMA Provisions:</u>

- SMA Scenic Goals and Policies
- SMA Design Guidelines Based on Landscape Settings
- SMA Guidelines for Development and Uses Visible from KVAs
- SMA Guidelines for KVA Foregrounds and Scenic Routes
- SMA Guidelines for Areas Not Visible from KVAs
- SMA Sign Provisions

# LANDSCAPE SETTING CHARACTER DESCRIPTIONS

During the course of the establishment of the National Scenic Area, inventories were carried out to help visually comprehend the fabric of Gorge. National Scenic Area landscapes were classified into different sub-regions, or setting types, which demonstrate unique qualities culturally, visually, and ecologically. Each Landscape Setting type has distinct characteristics and attributes, such as land use patterns and cultural features, landform patterns, vegetative patterns, and waterform patterns, which make it identifiable. Understanding what makes National Scenic Area landscapes special allows for the protection and enhancement of their intrinsic beauty and the integrity of their character into the future

## Pastoral

### *Overview, Land Use, and Cultural Features*

Pastoral settings are essentially agrarian in character, typified by areas of pastures and intensive agriculture often backing up to forested lots or bodies of water. This setting includes areas where orchards, vineyards, row crops, and irrigated pasture predominate the landscape. Distinct cultural features contributing to the sense of place, or valued visual image of the pastoral setting include wooden fence types, stone walls, barns (sometimes colorful), and other agricultural structures harmonious with the setting. Historic culturally modified landscapes and their associated structures, such as historic landmarks, and farmsteads are invaluable to the pastoral setting. This setting often includes forested lots and scattered rural residential development. Visual features distinguishing this setting include large expanses of cultivated fields and pastures, punctuated by clusters of farm accessory buildings and hedgerows or poplar rows defining distinct fields. Some small parcels with residences occur, but many parcels range between forty and several hundred acres in size. Seasonal interest in this setting can be a dramatic aesthetic experience when contrasted with adjacent natural appearing landscapes. Agricultural related tourism is experienced seasonally. Fire periodicity is variable and influenced primarily by adjacent vegetation types and human interaction.

### *Landform Patterns and Features*

These landscape profiles read as predominately horizontal with occasional dome shaped features, and minimal landform complexity. Large swaths and expanses of unbroken, moderately level terrain punctuated by hedgerows and cultivated farmland form some of the more distinctive and memorable landform features.

These settings usually occur on level ground or gently rolling terrain, with grades averaging from 0-25% and elevations ranging from sea level to 2000 feet. Some of these landscapes are found on relatively flat terraces and benches at the top of steep slopes that form the walls of the Gorge. Other pastoral areas occur in the fertile valleys of the major tributaries flowing into the Columbia River.

### *Vegetation*

Non-native vegetation patterns are predominant. They include alfalfa fields and irrigated pasture, vineyards and fruit orchards, row crops, hedgerows, and poplar rows. Scattered

forested lots interspersed throughout this setting reflect the natural vegetation of the portion of the Gorge in which they are located (e.g. Oregon oak and ponderosa pine in the eastern Gorge; Douglas-fir, big leaf maple, and western red cedar in the west).

### *Waterform*

Waterform elements are not typically distinctive identifying elements in this setting. Wetlands, streams (ephemeral, intermittent and perennial), ponds and man-made ponds are common, and add visual interest in form, line, color, and texture. Agricultural related ponds and irrigation features are seen occasionally but do not tend to contribute to the scenic quality of the setting.

## Coniferous Woodland

### *Overview, Land Use and Cultural Features*

These are predominately thickly forested areas characterized by forest uses and scattered residential development. Forest uses are often small to moderate in scale, particularly in the more settled portions of this setting. Parcels typically range between 20 and 160 acres in size. Large-scale silvicultural operations also occur in the less developed portions of this setting where land holdings tend to be relatively large (several hundred acres and larger) and residences fairly uncommon. Some scattered more intensive resource based recreation uses occur, but are infrequent. Cultural features contributing to the sense of place include historic landmarks, and scenic routes designed to lay light on the land and be harmonious with natural elements of the coniferous woodland setting. Valued cultural features contributing to the sense of place for the Coniferous Woodland setting include Civilian Conservation Corps era structures and their associated recreation areas and landscapes. Historic landmarks and structures built in the distinct Cascadia style and harmonious with the natural setting add interest and memorability. Fire periodicity is extremely variable from decades to centuries for major stand replacement occurrences.

### *Landform Patterns and Features*

These settings are found in hilly and mountainous portions of the Gorge, particularly on the Washington side of the western Gorge (in the GMA). Landscape profiles read as predominately vertical, undulating ridges with well-defined forms, and steeply dissected v-shaped valleys. Landform complexity is moderate growing more steep and complex as forested slopes transition to the steep basalt cliffs of the Gorge Walls, Canyons, and Wildlands landscape setting. Mixed elevation terrain with gentle to steep slopes averaging 5 to 60%, and elevations from 500 to 1800 feet are common. The more gently rolling and accessible portions of this setting contain small-scale agricultural use and relatively more residences.

### *Vegetation*

This setting is generally dominated by large conifer tree species associated with the ecosystems of the wet western slopes of the Cascades. Such species include Douglas-fir, western hemlock, western red cedar, and grand fir. Deciduous trees frequent the riparian corridors and also cover many slopes in the wetter and westernmost portions of the Gorge. In the eastern portions of this setting and on dry, south-facing slopes, ponderosa

pine and Oregon white oak are also common. Forested portions are typically densely vegetated, especially in the western side of the Gorge, with occasional small openings or breaks in canopy cover, and have little diversity in line and texture. Wildlife species passing/sightings through this landscape setting are a common occurrence.

### *Waterform*

Water features are abundant in this setting, including many intermittent and perennial streams, lakes, ponds, cascades, waterfalls, and wetlands. Riparian areas in this setting are commonly home to species such as turtles, neo tropical bird species, raptors such as the bald eagle, and many species of fish. Although not as frequently occurring, distinct river views and waterfalls provide outstanding scenic and visual quality and contribute significantly to the inherent scenic attractiveness of the coniferous woodland setting.

## Oak-Pine Woodland

### *Overview, Land Use, and Cultural Features*

This visually complex setting represents the climatic transition area between the lush forests of the western Gorge and the semi-arid grasslands of the eastern Gorge. Variations in depth of view and spatial character contribute to outstanding scenic vistas. Dry oak-pine woods, savannah areas (predominantly grassy openings with scattered trees), and grassy prairies are interspersed with scattered rural development. Such development includes residences, roads, fences, etc. Distinct cultural features contributing to the sense of place of the Oak-Pine Woodland setting include wooden fence types, stone walls, barns, and other agricultural structures harmonious with the setting. Historic culturally modified landscapes and their associated structures are invaluable to the setting. Species such as western gray squirrel, Lewis woodpecker, California mountain kingsnake (near boulders), lesser goldfinch, elk, and mule deer play an important ecological role. In some portions of this setting, orchards and cultivated areas lend a pastoral flavor to this generally natural-appearing landscape. Most parcels are over 20 acres in size, and are frequently between 40 and 160 acres. Dramatic seasonal displays of color from wildflower meadows and oak-laden landscapes are highly valued by visitors. Fire periodicity is extremely variable. Wind is the principal disturbance feature.

### *Landform Patterns and Features*

Landscape profiles read as dramatic, moderately steep and sloping, with complex juxtapositions of form, line, color, and texture. Some Oak Pine Woodland landscapes are found on relatively flat terraces and benches at the top of steep slopes and some along deeply incised river canyons and basalt cliffs. Occasional rock outcrops and formations punctuate open vistas and woodlands. Most of this setting is found on gently rolling to hilly terrain, with grades averaging 15-40% and elevations from 80 feet to 3,000 feet above sea level. Pastures and small farm uses are interspersed in the gentler portions of this setting.

### *Vegetation*

This setting contains perhaps the most varied vegetative communities in the Gorge, adding to its visual richness. Mixed stands of Oregon white oak and ponderosa pine typify this setting. In the western portions, highest elevations, and north slopes, this community

transitions into woodland vegetation patterns, with increasing numbers of Douglas-fir occurring. Drier portions of this setting and areas with poor, thin soils are often treeless prairies. "Biscuit scablands," or patterned ground areas with little vegetation and hummocky rock outcrops, also occur. This special landscape, created by scouring of great floods, is also found in some portions of the Grassland setting.

### *Waterform*

Water features are common in this setting, often seasonal and ephemeral in nature, and include rocky drainages, intermittent and perennial streams, wetlands, and occasional ponds. A Wild and Scenic River passes through the Oak Pine Woodland setting, adding interest and memorability. Although not as frequently occurring, distinct river views and occasional waterfalls provide outstanding scenic quality and offer a contrasting visual experience to the drier and semi-arid portions of the setting.

## Grassland

### *Overview, Land Use, and Cultural Features*

This setting comprises large expanses of generally treeless grass and shrub-covered hills and terraces. It covers most of the eastern fourth of the National Scenic Area, stretching from just west of The Dalles to the eastern boundary of the National Scenic Area. Oak Pine Woodlands are commonly found naturally adjacent to this setting, and both share similar visual characteristics in lower elevations. Distinct cultural features contributing to the sense of place of the Grassland setting include pithouse depressions associated with First Peoples habitation, wooden fence types, stone walls, barns, and other agricultural structures harmonious with the setting. Historic culturally modified landscapes and their associated structures are invaluable to the setting. The dominant land uses are cattle ranching and agriculture, with widely scattered residences, accessory buildings, and related structures. Land holdings are relatively large, commonly ranging from several hundred to several thousand acres in size. The long, unbroken vistas and relatively sparse settlement patterns of this setting give it a dramatic, panoramic character distinct from the rest of the Gorge. Fire periodicity is variable and influenced primarily by adjacent vegetation types, wind patterns and human interaction.

### *Landform Patterns and Features*

The Grassland setting is found on gentle to steeply sloping hillsides and relatively level terraces in the eastern Gorge. These landscape profiles read as predominately horizontal with occasional dome shaped features and cliffs leading to expansive benches. Cliffs, benches, and rock outcrops punctuating open vistas and woodlands add visual interest and moderate to high landform complexity. The distinctive hummocky terrain of some areas of "biscuit scablands" near Dallesport is also included in this setting. In the extreme eastern portions of the National Scenic Area, rugged rocky cliffs along the Columbia River also occur. Grades vary widely from 0 to 50%, as do elevations, ranging from 90 feet to 3,225 feet above sea level.

### *Vegetation*

Grasses, shrubs, and forbs are predominant in this mostly treeless setting. Introduced

grass species cover most of the rangelands. Native species such as bitterbrush and sagebrush shrubland occurring in some areas. Some areas of native bunchgrasses and forbs still occur, and some rare plant species are found in a few areas of scablands and vernal ponds. Oregon white oak stands grow in some of the intermittent stream drainages. A few tree species have been widely planted as windbreaks and are naturalized to the area. A few vineyards and orchards have been planted in the lower terraces of this setting.

#### *Waterform*

Some moderate gradient ephemeral, intermittent or perennial streams, wetlands, and ponds are found throughout the grassland setting, and add visual interest in form, line, color, and texture. Few man-made ponds, reservoirs, and irrigation features can be seen, although they do not typically contribute to the scenic quality of the setting.

### Rural Residential

#### *Overview, Land Use, and Cultural Features*

Rural Residential settings occur throughout the National Scenic Area, consisting of areas primarily committed to single-family residential development. These areas include numerous relatively small parcels, usually ranging between 1 and 5 acres. Because of these densities and the usually small size of these residential enclaves, Rural Residential settings often retain some rural character in contrast to larger, denser residential neighborhoods in the urban areas. Historic structures and landscapes, when maintained, add interest and memorability to this setting.

#### *Landform Patterns and Features*

Rural Residential settings occur in portions of the Gorge landscape that are relatively accessible and lacking in physical development constraints. Most of these areas are gently rolling or level terraces and valley floors. Rural Residential areas are rarely found in steep terrain.

#### *Vegetation*

Most Rural Residential settings include numerous plantings of ornamental and other non-native species in residential yards. In some of the less dense Rural Residential areas, remnants of the area's native vegetation have been preserved. In these areas, retention of the native vegetative communities has substantially contributed to the blending of the residential uses with their surroundings.

#### *Waterform*

Natural water features are uncommon in the rural residential setting and are not typically a contributing factor to its scenic character.

### Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland

#### *Overview, Land Use, and Cultural Features*

This setting reflects areas that are partly rural residential in nature, yet still substantially

retain characteristics of a more rural setting (either Pastoral, Coniferous Woodland or Oak-Pine Woodland).

Such areas are typically composed of a combination of rural residential and small-scale agricultural and forest uses. Parcels in these areas generally range between 5 and 20 acres in size, although some smaller residential lots and a few larger vacant parcels occur. Lots where intact distinguishing elements of the combined setting blend with its rural attributes contribute positively to the scenic character of landscapes in this setting. Historic structures and landscapes, when maintained, add interest and memorability to this setting.

### *Landform Pattern and Features*

These combination settings generally occur in gentle terrain with relatively good access.

### *Vegetation*

As with Rural Residential settings, natural vegetation patterns have been altered by ornamental and other non-native plantings on residential lots, although to a substantially lesser degree. The Rural Residential/Pastoral settings frequently contain pastures, small orchards, and other characteristic pastoral vegetation elements. Rural Residential/Coniferous Woodland and Rural Residential/Oak-Pine Woodland settings still retain much of the natural vegetative communities. In these settings, residential development blends with the rural landscape to a greater degree than in Rural Residential settings.

### *Waterform*

Natural water features are uncommon in the rural residential setting and are not typically contributing factors to its character. Where they occur as typical to the combined setting, they add interest and memorability.

## Residential

### *Overview, Land Use, and Cultural Features*

A very limited number of areas in the General Management Area already contain dense residential development on parcels of less than 1 acre on the average. These areas, because of their density, size, and proximity to urban area development (in all but one case), are essentially suburban in nature and have not retained any rural characteristics. The subdivision north of Chenoweth Creek, known as "Murray's Addition," is the largest of the few Residential settings in the GMA. Historic structures and landscapes, when maintained, add interest and memorability to this setting.

### *Landform Pattern and Features*

The Residential settings in the GMA are located on flat or gentle terrain in areas that are readily accessible.

### *Vegetation*

With a few exceptions, natural vegetation patterns in these dense residential areas have been replaced by ornamental and non-native plantings.

### *Waterform*

Natural water features are uncommon in the residential setting and are not typically a contributing factor to its character.

## Village

### *Overview, Land Use, and Cultural Features*

The Village setting applies to the two designated Rural Centers in the GMA (Corbett and Skamania – see Part II, Chapter 5: Commercial Land), as well as the Broughton Mill area (approved for a resort by the Gorge Commission in 1989). This setting reflects the nature of the Rural Centers as service centers and gathering places for nearby rural residences. The Village setting contains many small residential parcels and a central core, serving both commercial and social functions. Village settings are distinguished from Rural Residential settings by their mix of residential, institutional (churches, schools, etc.), and commercial uses, creating a small town atmosphere. Historic structures and landscapes, when maintained, add interest and memorability to this setting.

### *Landform Pattern and Features*

Village settings have evolved in level or gently rolling areas lacking any substantial physical development constraints or access problems.

### *Vegetation*

Although the Village settings are densely settled relative to the surrounding rural landscape, some areas have retained the natural vegetation of the region in which they are located. Much of the vegetation in this setting, particularly in the Corbett area, consists of non-native species planted by homeowners.

### *Waterform*

Natural water features are uncommon in the Village setting and are not typically contributing factors to its character.

## River Bottomlands

### *Overview, Land Use, and Cultural Features*

This setting includes lush floodplains and riparian forests found along the shores of the Columbia River, particularly below Bonneville Dam. Much of this setting has been lost to dam, freeway and railroad construction. In many places in the GMA, only thin strips of this setting remain, directly adjacent to the river. These remnants are still visually distinct settings that markedly contrast with adjacent rocky slopes or upland conifer forests.

Some of these areas include small pastures and scattered rural residential development, as well as major transportation facilities. Distinct cultural features contributing to the sense of place of the River Bottomlands setting include wooden fence types, stone walls, barns, and other agricultural structures harmonious with the setting. Historic culturally modified landscapes and their associated structures are invaluable to the setting. Culturally significant features such as pithouses indicating early village sites, and glimpses of rock

art associated with First Peoples, can be seen in this setting, serving as visual indicators of the ancestors of today's Tribal peoples, and conveying their continued connection to the land. This setting also includes major existing park and recreation facilities along the river (e.g. Celilo Park) and the most potentially suitable areas for concentrated public recreational river access, as identified in the planning process. Fire periodicity is variable and influenced primarily by adjacent vegetation types and human interaction

### *Landforms*

River Bottomlands are, by their nature, confined to flat or gently sloping lands representing remnants of the original Columbia River floodplain. These landscape profiles read as predominately horizontal with minimal to moderate landform complexity. Elevations range from 0 to 200 feet above sea level with rare occurrences as high as 585 feet above sea level. Grades range from 0 to 5%.

### *Vegetation*

Where unaltered, this setting consists primarily of a largely deciduous forest. Unforested marshes also occur in this setting, although the largest of these ecologically critical vegetative communities are in the Special Management Areas. Major parks in River Bottomlands contain some vegetation patterns uncharacteristic of pristine riparian communities, such as mowed lawn areas and some ornamental plantings. However, to a large degree, the riverfront parks that best blend with the natural surroundings emphasize native species plantings and retention of existing riparian vegetation communities. Thus, the deciduous-dominated riparian species found in River Bottomlands are emphasized as the major vegetation element in the design guidelines applicable to new recreation uses in this setting.

### *Waterform*

Distinctive, conspicuous waterscapes characterized by a rich combination of flow and scale are inextricably linked to the River Bottomlands setting, Water features abundant in this setting include rivers, lakes, wetlands, deltas, alluvial fans, ponds, and low gradient perennial and intermittent streams.

## Gorge Walls, Canyons, and Wildlands

### *Overview,Land Use, and Cultural Features*

This setting represents the rugged bluffs, cliffs and steep slopes that form the walls of the Gorge and the deeply incised canyons of the Columbia River's major tributaries. Because of extreme steepness, and in some cases inaccessibility and instability, these areas are largely undeveloped. They represent some of the most natural settings in GMA lands, despite the proximity of some of these areas to major thoroughfares. Prevailing land use in these areas is undeveloped vacant land, although low-intensity recreation use and some silviculture occur in a few limited areas. Cultural features contributing to the sense of place include historic landmarks, and scenic travel corridors designed to lay light on the land and be harmonious with natural elements of the setting. American pika and the Larch Mountain salamander inhibit the rocky talus slopes, Fire periodicity is extremely variable from decades to centuries for major stand replacement occurrences.

### *Landform Patterns and Features*

The landform component of this setting is a much greater determinant of its character than is true for any other setting. Steep wooded slopes, canyon walls, ancient slide complexes, talus slopes, and sheer rock faces with angular columnar basalt patterning characterize this setting. In the side canyons, small ribbons of riparian floodplain areas also occur. These landscape profiles read as predominately vertical with high landform complexity. Elevations range from 90 feet to 4,000 feet above sea level, with grades typically between 45% and 90%.

### *Vegetation*

The steepest portions of this setting are rocky cliffs devoid of much vegetation or loose talus slopes with limited vegetation (although such slopes often include large, old fir, pine, and maple trees). Other portions of this setting include stands of large fir and pine trees, some of which appear to be the original forest cover. At the bottom of the Hood, White Salmon, and Little White Salmon River canyons, narrow bands of lush, riparian vegetation are found.

### *Waterform*

Water features are abundant in this setting, including many intermittent and perennial streams, lakes, ponds, cascades, waterfalls, and wetlands. Riparian areas in this setting are commonly home to species such as turtles, neo tropical bird species, raptors such as the bald eagle, and many species of fish. Distinct river views and tall waterfalls provide outstanding scenic and visual quality and contribute significantly to the inherent scenic attractiveness of the Gorge Walls, Canyons, and Wildlands setting.

## GMA PROVISIONS

## *OVERALL SCENIC PROVISIONS*

### GMA Goal

Protect and enhance the scenic resources of the National Scenic Area.

### GMA Objectives

1. Use regulations to avoid adverse effects of new development and land uses to scenic resources.
2. Encourage the establishment of programs offering incentives and other means of implementing scenic resource enhancement objectives and policies for existing uses, focusing on private landowners, railroad and utility companies, and transportation and other public agencies.
3. Support the efforts of a National Scenic Area public land conservancy or nonprofit land trust to acquire fee interest, conservation easements, and other interests in properties whose preservation is important for protection of Gorge landscape settings and scenic values.

## GMA Policies

1. Except for exploration, development (extraction or excavation), and production of mineral resources and disposal sites for spoil materials from public road maintenance activities, nothing in the key viewing areas or landscape settings guidelines in this chapter shall be used as grounds to deny proposed uses otherwise authorized by the land use designation. However, the guidelines may affect the siting, location, size, and other design features of proposed developments, and compliance with them is mandatory.
2. The goals, objectives, policies, and guidelines in this chapter shall not affect agriculture or forest practices.
3. New development and expansion of existing development shall be compatible with its designated landscape setting (as described in the "Landscape Settings" section of this chapter).
4. New exploration, development (extraction or excavation), and production of mineral resources and expansion of existing quarries shall include a reclamation plan to restore the site to a natural appearance that blends with and emulates distinctive characteristics inherent to its landscape setting.
5. New development shall retain existing landforms and strive to fit into the existing topography to the maximum extent feasible.
6. New development or expansion of facilities that are called for in the National Scenic Area Act shall be designed and constructed to be visually subordinate as visible from key viewing areas and compatible with their landscape setting to the maximum extent practicable, consistent with the facility’s mission.

## GMA Guidelines

1. New development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.
2. New buildings and expansion of existing development shall be compatible with the general scale of existing nearby development. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include but are not limited to:
    A. Application of the landscape setting design guidelines, if applicable.
    B. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.
    C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:
        (1) All finished above ground square footage;

(2) Total area of covered decks and porches;

(3) Attached garages

(4) Daylight basements

(5) Breezeways, if the breezeway shares a wall with an adjacent building

(6) Dimensions, based on information from the application or on Assessor's records

D. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

3. Landowners shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in this chapter.

## ***KEY VIEWING AREAS***

### GMA Goal

Emphasize protection and enhancement of National Scenic Area landscapes visible from key viewing areas.

### GMA Objectives

1. Establish scenic enhancement programs prioritizing enhancement of lands visible from key viewing areas.

2. Establish a program to phase-out existing quarries and associated activities and develop reclamation plans for such quarries at sites where the Gorge Commission determines that such uses adversely affect scenic resources on land visible from key viewing areas. The Gorge Commission shall initiate this objective by inventorying existing quarries visible from key viewing areas. Phase-out plans may require some additional quarrying for a limited time to best achieve contours that blend with surrounding landforms. Phase-out and reclamation plans for particular quarries shall include a specified time period for completion, not to exceed 5 years from the commencement of such plans.

3. Encourage mining reclamation methods and features that enhance wildlife habitat and wetlands, ameliorate visual impacts of existing quarries, and accelerate achievement of desired scenic standard.

4. Encourage use of techniques to reduce visual impacts of new development on lands that are visible from key viewing areas and that possess high or critical visual sensitivity.

5. Encourage plantings of native species or species characteristic of the landscape

setting to screen existing development that is not visually subordinate on lands that are visible from key viewing areas and that possess high or critical visual sensitivity.

## GMA Policies

1. Important public roads, parks, and other vantage points providing public scenic viewing opportunities shall be designated as key viewing areas, as identified in the glossary of the Management Plan.
2. Except for new exploration, development (extraction or excavation), and production of mineral resources s, new development on lands visible from key viewing areas shall be visually subordinate to its landscape setting. This policy shall not apply to specified developed settings that are not visually sensitive (as identified in the "Landscape Settings" section), rehabilitation or modifications to significant historic structures as defined by state and Forest Service Archaeologists, shorelines on the main stem of the Columbia River that adjoin urban areas, or other developments expressly exempted from this requirement in this chapter.
3. In developing conditions of approval, agencies shall emphasize those elements that, in combination, provide effective, long-term scenic resource protection.
4. New utility transmission lines, transportation and communication facilities, docks and piers, and repairs and maintenance of existing lines, roads and facilities shall be visually subordinate as visible from key viewing areas to the maximum extent practicable.
5. New buildings shall be prohibited on steeply sloping lands visible from key viewing areas.
6. Proposed projects involving substantial grading on lands visible from key viewing areas shall include a grading plan addressing visual impacts of grading activities. All graded areas shall be revegetated to the maximum extent practicable.
7. Development along the shoreline of the Columbia River and on immediately adjacent lands shall be limited to water-dependent development and water-related recreation development.
8. New exploration, development (extraction or excavation), and production of mineral resources on sites visible in the foreground or middleground from key viewing areas may be permitted if fully screened from view from those key viewing areas. New exploration, development (extraction or excavation), and production of mineral resources on sites visible in the background from key viewing areas may be permitted if visually subordinate to its setting as visible from those key viewing areas.
9. Expansion of existing quarries on sites visible from key viewing areas may be permitted if visually subordinate to its setting as visible from key viewing areas. Existing quarries are those determined not to be discontinued, pursuant to

Guideline 4.D in "Existing Uses and Discontinued Uses" (Part II, Chapter 7: General Policies and Guidelines). Expansion refers to lateral expansion (expansion of mining activities into land surfaces previously unaffected by mining).

10. In addition to the guidelines contained in this section, applicable design guidelines specified for a particular landscape setting shall be used to ensure that new development on lands visible from key viewing areas is visually subordinate to its setting in a manner responsive to the unique character of that setting.

11. The Gorge Commission and Forest Service shall maintain a Scenic Resources Implementation Handbook. The Handbook shall provide specific guidance for applicants and planners in implementing color, reflectivity, landscaping and other guidelines for development. It may be updated as needed, as determined by the Executive Director and National Scenic Area Manager. In updating the Handbook, the Gorge Commission and Forest Service will collaborate with the implementing counties, and solicit other agency and public input. The Handbook is intended to provide non-exclusive, recommended lists of exterior building materials (for reflectivity) and vegetation species.

**GMA Guidelines**

1. The guidelines in this section shall apply to proposed development on sites topographically visible from key viewing areas.

2. Each development shall be visually subordinate to its setting as visible from key viewing areas. New development shall be sited to achieve visual subordinance from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

3. Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed development. A determination of the potential visual impact of a new development shall include written findings addressing the following factors:

    A. The amount of area of the building site exposed to key viewing areas.

    B. The degree of existing vegetation providing screening.

    C. The distance from the building site to the key viewing areas from which it is visible.

    D. The number of key viewing areas from which it is visible.

    E. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

    F. Other factors the reviewing agency determines relevant in

consideration of the potential visual impact.

4. The extent and type of conditions applied to a proposed development to achieve visual subordinance to its landscape setting shall be proportionate to its potential visual impacts as visible from key viewing areas. Conditions may include, and shall be applied using the following priorities:

    A. Screening by topography

    B. Siting (location of development on the subject property, building orientation, and other elements).

    C. Retention of existing vegetation on the applicant's property.

    D. Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).

    E. New landscaping on the applicant's property.

    F. New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

5. New development shall be sited using existing topography and existing vegetation as needed to achieve visual subordinance from key viewing areas. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

    A. New landscaping (including new earth berms) shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

    B. If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by the local government to make the development visually subordinate.

    C. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion.

    D. Applicants and successors in interest for the subject parcel are

responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

E. The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

6. Existing tree cover screening proposed development from key viewing areas shall be retained as specified in the Landscape Settings Design Guidelines section of this chapter.

7. The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as visible from key viewing areas.

8. Conditions regarding new landscaping or retention of existing vegetation for new development on lands designated GMA Commercial Forest, Large Woodland, or Small Woodland shall meet both scenic guidelines and fuel break requirements in Criterion 1.A of “Approval Criteria for Fire Protection”.

9. Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.

10. The exterior of buildings on lands visible from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordinance. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

11. Any exterior lighting shall be sited, limited in intensity, shielded, or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

12. Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.

13. Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordinance requirements for lands visible from key viewing areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such

structures.

14. New main lines on lands visible from key viewing areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

15. New communication facilities (antennae, dishes, etc.) on lands visible from key viewing areas that require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

16. New communications facilities may protrude above a skyline visible from a key viewing area only upon demonstration that:

    A. The facility is necessary for public service,

    B. The break in the skyline is visible only in the background, and

    C. The break in the skyline is the minimum necessary to provide the service.

17. Overpasses, safety and directional signs, and other road and highway facilities may protrude above a skyline visible from a key viewing area only upon a demonstration that:

    A. The facility is necessary for public service, and

    B. The break in the skyline is the minimum necessary to provide the service.

18. New buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of 30 percent. Variances to this guideline may be authorized if the guideline's application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building footprint shall be used.

19. Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.

## ***LANDSCAPE SETTINGS***

### **GMA Goals**

1. Maintain the diversity of Gorge landscapes to protect and enhance the Gorge's scenic beauty.

2. Retain the existing character of the Gorge's rural landscapes and two Rural

Centers (Corbett and Skamania).

3. Protect existing riverfront landscape settings when providing additional recreational river access and ensure that riverfront recreation is provided in a manner compatible with those settings.

## GMA Policies

1. New development shall be compatible with its landscape setting and maintain the integrity of that setting. Expansion of existing development shall be compatible with its landscape setting and maintain the integrity of that setting to the maximum extent practicable.
2. These goals, policies, and guidelines apply only to development and uses subject to review, pursuant to the Management Plan
3. Because of the dynamic nature of landscape settings, these settings shall be reevaluated in the periodic plan review process. Substantial changes, particularly with respect to changes of large areas between wooded and agricultural settings, shall be reflected in periodic revisions to the Management Plan.
4. Maintenance of landscape settings shall be a key consideration in determining minimum parcel sizes for GMA land use designations. Recommended minimum parcel sizes for new land divisions to maintain landscape setting character are included where applicable in the landscape settings descriptions. The Gorge Commission shall use these recommendations when considering minimum parcel sizes for either plan amendments or plan updates.
5. The "Compatible Recreation Use Guidelines" for each landscape setting shall provide the basis for evaluating cumulative effects of recreation proposals on landscape settings, including types and intensities of recreation uses.

## GMA Guidelines

### *Pastoral*

#### Compatible Recreation Use Guideline

Resource-based recreation uses of a very low-intensity or low-nature (as defined in the "Recreation Intensity Classes" section of Part I, Chapter 4: Recreation Resources), occurring infrequently in the landscape, are compatible with this setting.

#### Recommended Parcel Size for New Land Divisions

40 acres.

#### Design Guidelines

1. Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

2. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.

   B. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

   C. At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate for the area.

   D. At least one-quarter of any trees planted for screening shall be coniferous for winter screening. Variances may be granted to this guideline when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (as identified in the Scenic Implementation Handbook), and tree species ultimately selected for winter screening are natives characteristic to that setting

***Coniferous Woodland***

**Compatible Recreation Use Guideline**

Resource-based recreation uses of varying intensities may be compatible with this setting. Typically, outdoor recreation uses in Coniferous Woodlands are low intensity, and include trails, small picnic areas, and scenic viewpoints. Although infrequent, some more intensive recreation uses, such as campgrounds, occur. They tend to be scattered rather than concentrated, interspersed with large areas of undeveloped land and low-intensity uses.

**Recommended Parcel Size for New Land Divisions**

20 acres.

**Design Guidelines**

1. Structure height shall remain below the forest canopy level.

2. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.

   B. At least half of any trees planted for screening purposes shall be species

native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

C. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

***Oak-Pine Woodland***

**Compatible Recreation Use Guideline**

Resource-based recreation uses of varying intensities may be compatible with this setting, although most are of a low-intensity nature (such as trails or small scenic outlooks). More intensive recreation uses may be compatible where allowed under the "Recreation Intensity Classes" in Part I, Chapter 4, although they are generally rare in this setting. As with Woodland settings, intensive recreation uses in Oak-Pine Woodlands may be compatible if widely scattered and not in large concentrations.

**Recommended Parcel Size for New Land Divisions**

40 acres.

**Design Guidelines**

1. Structure height shall remain below the tree canopy level of the dominant vegetation types of this setting.

2. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. At least half of any tree species planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

   B. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

   For substantially wooded portions:

   C. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.

   For treeless portions or portions with scattered tree cover:

   D. Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.

   E. Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall

be partly screened with trees in small groupings and openings between groupings.

F. Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

***Grassland***

**Compatible Recreation Use Guideline**

Resource-based recreation uses of a very low-intensity or low-intensity nature that occur infrequently are compatible with this setting, and include hiking, hunting, and wildlife viewing.

**Recommended Parcel Size for New Land Divisions**

160 acres.

**Design Guidelines**

1. Accessory structures, outbuildings, and access ways shall be clustered together as much as possible. Exceptions to this guideline are permitted where necessary for farming operations

2. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.

   B. Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.

   C. Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

***Rural Residential***

**Compatible Recreation Use Guideline**

1. Compatible recreation uses are usually limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as small scenic overlooks).

### Recommended Parcel Size for New Development

1. Two acres or 5 acres, depending upon the existing character of the area as reflected in average parcel size and development patterns.

### Design Guidelines

1. Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.
2. In portions of this setting visible from key viewing areas, and not exempt from visual subordinance guidelines (see "Developed Settings and Visual Subordinance Policies" in this section), the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
    A. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
    B. At least half of any trees planted for screening purposes shall be species native to the setting or species identified in the Scenic Implementation Handbook as appropriate for the area.
    C. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

## ***Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland***

### Compatible Recreation Use Guideline

Very low-intensity and low-intensity resource-based recreation uses, scattered infrequently in the landscape, may be compatible with this setting.

### Recommended Parcel Size for New Land Divisions

Ten acres or 20 acres, depending upon the existing character of the area, as reflected in average parcel size and development patterns. However, a 10-acre minimum parcel size is recommended for all Rural Residential/Coniferous Woodland settings.

### Design Guidelines

1. New development in this setting shall meet the design guidelines described for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
2. In the event of a possible conflict between the two sets of guidelines, the

guidelines for the more rural setting (Coniferous Woodland, Oak-Pine Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such guidelines would not be practicable.

***Residential***

**Compatible Recreation Use Guideline**

1. Compatible recreation uses are essentially limited to community park facilities.

**Design Guidelines**

1. In portions of this setting visible from key viewing areas (except those areas described in the "Developed Settings and Visual Subordinance Policies" in this section), the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.

   B. The exteriors of structures shall be non-reflective unless fully screened from key viewing areas with existing vegetation and topography.

   C. At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

   D. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

***Village***

**Compatible Recreation Use Guideline**

Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.

**Special Policies for Village Setting**

1. The Gorge Commission shall consult with community groups and the appropriate county to refine and revise these design guidelines as appropriate to reflect community desires and interests.
2. The Gorge Commission shall consult with the Oregon Department of Transportation, the Historic Columbia River Highway Advisory Committee, and Multnomah County to define desirable and appropriate provisions for curbs, parking treatments, and access on the Historic Highway.

**Design Guidelines**

1. New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 1/2 stories or less.

2. For new commercial, institutional (churches, schools, government buildings), or multifamily residential uses on parcels fronting a scenic travel corridor (Washington State Route 14 or the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.
3. New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.
4. New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly shared landscaped open areas, etc.
5. New commercial, institutional or multifamily residential uses fronting a scenic travel corridor shall comply with the following landscape requirements:
   A. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet wide between the new use and the scenic travel corridor roadway.
   B. The landscape strip required in Guideline 5.A above, shall include shrubs, vegetative ground cover, and, at minimum, one tree. Trees shall be spaced as appropriate to the species and not to exceed 25 feet apart on the average.
6. The use of building materials that reinforce the Village setting's character, such as wood, logs, or stone, and that reflect community desires, should be encouraged.
7. Architectural styles that are characteristic of the area (such as 1 1/2-story dormer roof styles in Corbett) and that reflect community desires should be encouraged. Entry signs should be consistent with such architectural styles.
8. Design features that create a "pedestrian-friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc., should be encouraged.
9. Pedestrian walkways and bicycle paths should be encouraged and integrated into new development wherever feasible.
10. Where feasible, existing tree cover of species native to the region or species identified in the Scenic Implementation Handbook as appropriate for the area shall be retained when designing new development or expanding existing development.

### ***River Bottomlands***

#### ***Compatible Recreation Use Guideline***

Compatible recreation uses in this setting depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses that do not impair wetlands or special habitat requirements may be compatible.

In other River Bottomland areas, nodes of moderate- or high-intensity recreation uses may be compatible, provided that: (1) their designs emphasize retention or enhancement of

native riparian communities, (2) structures and parking areas are visually subordinate, and (3) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.

**Design Guidelines**

1. In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

   A. Except as is necessary for site development or safety purposes, existing tree cover screening the development from key viewing areas shall be retained.

   B. At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation development is encouraged to maximize the percentage of planted screening vegetation native to this setting.

   C. At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening. Variances may be granted to this guideline when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (as identified in the Scenic Implementation Handbook), and tree species ultimately selected for winter screening are natives characteristic to that setting.

***Gorge Walls, Canyons, and Wildlands***

**Compatible Recreation Use Guideline**

Because of the fragility, steepness, and undeveloped nature of these lands, compatible recreation uses are usually limited to very low-intensity or low-intensity, resource-based activities that focus on enjoyment and appreciation of sensitive resources. Such uses (such as trails) are generally associated with minimal facility development, if any.

**Design Guidelines**

1. New development and expansion of existing development shall be screened so it is not visible from key viewing areas, to the maximum extent practicable.

2. All trees planted to screen permitted development and uses from key viewing areas shall be native to the area.

3. Existing tree cover shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.

4. All buildings shall be limited in height to a maximum of 1 1/2 stories.

5. The exteriors of structures shall be non-reflective.

6. Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors found in the surrounding landscape, unless public safety concerns or federal or state highway standards require otherwise.

### ***Developed Settings and Visual Subordinance Policies***

GMA policies to protect key viewing area viewsheds require that all new development on lands visible from key viewing areas be visually subordinate to its landscape setting, except for "specified developed settings that are not visually sensitive."

Three landscape settings are considered developed settings within this context: Rural Residential, Residential, and Village. Of all GMA lands in these three settings, six particular areas that are not visually sensitive have been identified. New development in these settings shall be compatible with the setting, but not necessarily visually subordinate. New development in these settings is exempt from the color and siting guidelines in the Key Viewing Areas section of this chapter. These areas are:

1. Corbett Rural Center (Village)
2. Skamania Rural Center (Village)
3. West of Hood River Urban Area, east of Country Club Road (Rural Residential)
4. Murray's Addition subdivision, The Dalles (Residential)
5. Two small areas south of The Dalles in Sections 9 and 10, Township 1N, Range 13E (Residential)
6. Portion of Underwood Heights along Cooper Avenue, south of Cook-Underwood Road (Rural Residential)

## SCENIC TRAVEL CORRIDORS

### ***GMA Goal***

Designate those portions of the following roads in the National Scenic Area as scenic travel corridors and protect and enhance scenic resources within the corridors: Washington State Routes 14, 141, and 142, Interstate 84, the Historic Columbia River Highway (all segments), and Oregon Highway 35.

### ***GMA Objectives***

1. Establish coordinated, cooperative implementation programs with the state highway departments, railroads, the Bonneville Power Administration, and utility companies that include protection measures to mitigate visual effects of new corridor development and enhancement measures to reduce visual effects of existing development.
2. Establish a program to provide incentives for landowners or land managers to

screen or remove discordant features in the foreground of scenic travel corridors.

3. Encourage communities along scenic travel corridors to enhance the entries to their communities.

4. Encourage the railroads and utility companies to place signal wires and powerlines underground where such features are visually dominant and detract from the visual quality of scenic travel corridors.

5. Encourage the railroads and utility companies to use colors that are visually subordinate on existing equipment along scenic travel corridors.

6. Encourage the Washington and Oregon Departments of Transportation to take the following measures to improve the visual quality of scenic travel corridors:

   A. Place reflectors on guardrails rather than on free-standing posts where feasible and not detrimental to public safety.

   B. Remove unnecessary highway signs and consolidate signs, wherever possible.

   C. Replace sections of white guardrail where white contrasts noticeably with gray or galvanized sections, except along the Historic Columbia River Highway, where two-rail white guardrails are encouraged to emulate historic styles on sections of highway that are part of the original historic alignment.

   D. Construct berms to emulate natural contours to the maximum extent practicable and eliminate any construction berms that no longer perform any function.

   E. Close unused access roads that no longer provide any service or perform any function and that intersect scenic travel corridors.

   F. Use native plants to the maximum extent practicable when planting any new vegetation in scenic travel corridor rights-of-way.

7. Establish a program to reclaim abandoned quarries in the foreground of scenic travel corridors.

8. Encourage the Bonneville Power Administration to use colors that are visually subordinate on its existing facilities visible from scenic travel corridors.

9. Encourage the Bonneville Power Administration to improve the visual quality of powerline rights-of-way by restoring vegetation to its natural appearance wherever possible.

10. Establish new viewpoints of the Columbia River and lands within the Gorge at places offering outstanding views along scenic travel corridors. (Same as objective 4 under "Scenic Appreciation and Scenic Travel Corridors" in Part I,

Chapter 4.)

11. Create or restore openings in vegetation along Washington State Route 14, Interstate 84, and the Historic Columbia River Highway to provide or improve views of the Columbia River and the walls of the Gorge in a manner that does not adversely affect the scenic, cultural, natural, or recreation resources of the National Scenic Area.

12. Encourage the railroads and state departments of transportation to use integrated vegetation management practices in managing vegetation in scenic travel corridor foregrounds.

## ***GMA Policies***

1. The *SR 14 Corridor Strategy* (1996) and *I-84 Corridor Strategy* (2005), which may be updated from time to time, and associated documents for each shall continue to be implemented.

2. The goals of scenic corridor strategies shall include: 1) providing a framework for future highway improvements and management that meet Management Plan scenic guidelines and public transportation needs; and 2) creating design continuity for the highway corridor within the National Scenic Area. Corridor strategies shall, at minimum, include: a) design guidelines (e.g. materials, conceptual designs, etc.) for typical projects that are consistent with Management Plan scenic resources provisions and b) an interdisciplinary, interagency project planning and development process.

3. Programs and specific provisions developed for scenic travel corridors shall emphasize protection and enhancement of the corridors' foreground.

4. To achieve scenic travel corridor objective 1, above, the Gorge Commission shall consider establishing an interagency Scenic Travel Corridor Implementation Task Force, to be composed of representatives of all entities referenced in objective 1, as well as local and tribal government representatives.

5. New structural development, other than access roads, pathways, or necessary signs, shall be limited in the immediate foreground of scenic travel corridors. Expansion of existing development shall comply with this policy to the maximum extent practicable.

6. New exploration, development (extraction or excavation), and production of mineral resources may be permitted in the foregrounds of scenic travel corridors upon a demonstration that such uses would be fully screened from view of the corridor roadway itself. Expansion of existing quarries in the foregrounds of scenic travel corridors may be permitted if determined to be visually subordinate.

7. A reclamation plan shall be required for expansion of existing quarries and all new mining activity within scenic travel corridors, including quarries for which

no reclamation program is required by the laws of Washington or Oregon.

8. New signal wires and powerlines along scenic travel corridors shall be placed underground to the maximum extent practicable in areas where above-ground facilities would be visually dominant and detract from corridor visual quality.

9. New mailboxes and newspaper boxes along scenic travel corridors shall be clustered to the maximum extent practicable.

10. New residential and commercial driveway access to scenic travel corridors shall be consolidated to the maximum extent practicable.

11. New road cuts shall be contoured to approximate a natural-appearing grade and vegetated with species native or naturalized to the area in order to blend with the landscape setting.

## ***GMA Guidelines***

1. For the purposes of implementing this section, the immediate foreground of a scenic travel corridor shall include those lands within 1/4 mile of the edge of pavement of the scenic travel corridor roadway.

2. All new buildings and alterations to existing buildings shall be set back at least 100 feet from the edge of pavement of the scenic travel corridor roadway. This policy shall not apply in Rural Center designations (Village landscape setting). A variance to this setback requirement may be granted pursuant to Guideline 2 in "Variances from Setbacks and Buffers" (Part II, Chapter 7: General Policies and Guidelines). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the scenic travel corridor roadway, to the maximum extent practicable.

3. Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a scenic travel corridor roadway shall comply with Guideline 2 of this section to the maximum extent practicable. This guideline shall not apply in Rural Center designations (Village landscape setting).

4. All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:

   A. An evaluation of potential visual impacts of the proposed project as visible from any key viewing area.

   B. An inventory of any rare plants, sensitive wildlife habitat, wetlands, or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable Management Plan guidelines to protect the resources.

5. When evaluating possible locations for undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas

specifically recommended as extreme or high priorities for undergrounding in the *Columbia River Gorge National Scenic Area Corridor Visual Inventory* (April 1990).

6. New exploration, development (extraction or excavation), and production of mineral resources proposed within 1/4 mile of the edge of pavement of a scenic travel corridor may be allowed upon a demonstration that full visual screening of the site from the scenic travel corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a scenic travel corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within timeframes specified in the guidelines for “Review Uses” (Part II, Chapter 7: General Policies and Guidelines).

7. Expansion of existing quarries may be allowed pursuant to the guidelines for “Review Uses” (Part II, Chapter 7: General Policies and Guidelines). Compliance with visual subordinance requirements shall be achieved within timeframes specified in the guidelines for “Review Uses” (Part II, Chapter 7: General Policies and Guidelines).

## SIGNS

### ***GMA Goal***

Protect and enhance scenic resources by minimizing visual impacts of signs, while authorizing signs necessary for commerce, recreation, safety, and public information.

### ***GMA Objective***

Encourage the use of the Columbia River Gorge National Scenic Area Graphic Signing System for public signs in and adjacent to public rights-of-way.

### ***GMA Policy***

New signs within state and federal highway rights-of-way shall comply with the standards of the Columbia River Gorge National Scenic Area Graphic Signing System. Exceptions may be granted if necessary for public safety, traffic control, or highway construction signs when the Graphic Signing System conflicts with the requirements of the *Manual on Uniform Traffic Control Devices* (2012, or most recent version).

New signs shall be designed and sited in a manner that achieves their intended function and is compatible with their settings, to the maximum extent practicable.

Guidelines for alteration and amortization of nonconforming signs shall be employed to bring such signs into conformance with the provisions of this section.

## ***GMA Guidelines***

1. Except for signs allowed without review pursuant to “Uses Allowed Outright” (Part II, Chapter 7: General Policies and Guidelines), all new signs must meet the following guidelines unless these guidelines conflict with the *Manual on Uniform Traffic Control Devices* (2012, or most recent version) for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual on Uniform Traffic Control Devices* (2012, or most recent version) shall supersede these guidelines.

   A. The support structure shall be unobtrusive and have low visual impact.

   B. Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Signs shall be colored to blend with their setting to the maximum extent practicable.

   C. Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

   D. Spotlighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

   E. Except for signs along public highways necessary for public safety, traffic control, or road construction and consistent with the *Manual on Uniform Traffic Control Devices* (2012, or most recent version), the following signs are prohibited:

      (1) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays, and other signs that are internally illuminated, exclusive of seasonal holiday light displays.

      (2) New billboards.

      (3) Signs with moving elements.

      (4) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

   F. In addition to A-E, signs shall meet the below guidelines according to Recreation Intensity Class (and subject to compliance with the "Approval Criteria for Recreation Uses" and "Facility Design Guidelines For All Recreation Projects, in Recreation Resources, GMA Provisions: Recreation Intensity Classes):

      (1) Recreation Intensity Class 1 (Very Low Intensity) - Simple interpretive signs or displays, not to exceed a total of 50 square feet. Entry name signs, not to exceed 10 square feet per sign.

(2) Recreation Intensity Class 2 (Low Intensity) - Simple interpretive signs and displays, not to exceed a total of 100 square feet. Entry name signs, not to exceed 20 square feet per sign.
(3) Recreation Intensity Class 3 (Moderate Intensity) - Interpretive signs, displays or facilities. Visitor information and environmental education signs, displays, or facilities. Entry name signs, not to exceed 32 square feet per sign.
(4) Recreation Intensity Class 4 (High Intensity) - Entry name signs, not to exceed 40 square feet per sign.

G. For recreation facility design projects, signs shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes

2. Any sign that does not conform with a provision of these guidelines and has existed before their adoption is subject to the following provisions:

A. Alteration of existing nonconforming signs shall comply with these guidelines.

B. Any nonconforming sign used by a business must be brought into conformance concurrent with any expansion or change in use that requires a development permit.

## SMA PROVISIONS

### ***SMA Goal***

Protect and enhance scenic resources.

### ***SMA Policies***

1. The appearance and character of the Landscape Settings within the SMAs shall be protected.

2. In developing conditions of approval, agencies shall emphasize those elements that, in combination, provide effective, long-term scenic resource protection.

3. In developing conditions of approval, agencies shall emphasize those elements that, in combination, provide effective, long-term scenic resource protection.

4. The Forest Service Scenery Management system shall be the basis for setting scenic standards to evaluate all new development and land uses topographically visible from key viewing areas. Each landscape setting will be assigned specific scenic standards.

5. Size, scale, shape, color, texture, siting, height, building materials, lighting, or other visual aspects shall be regulated to protect the scenic resources.

6. New development and land uses occurring in the foreground of key viewing areas shall protect scenic values.

7. Rehabilitation or modification of historic structures on or eligible for the National Register of Historic Places may be exempt from the above policies if such modification is in compliance with the National Register of Historic Places guidelines.

8. The Historic Columbia River Highway, Washington State Route 14, Interstate 84, the Larch Mountain Road, the Wyeth Bench Road, and Old Highway 8 shall be managed as scenic routes.

9. The Gorge Commission and Forest Service shall maintain a *Scenic Resources Implementation Handbook,* to be approved by the Executive Director and National Scenic Area Manager. The Handbook shall provide specific guidance for applicants and planners in implementing color, reflectivity, landscaping and other guidelines for development. In maintaining the *Handbook*, the Gorge Commission and Forest Service will collaborate with the implementing counties, and solicit other agency and public input.

## ***SMA Design Guidelines Based on Landscape Settings***

1. The following guidelines apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas visible from KVAs as well as areas not visible from KVAs):

   A. Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

      (1) The use of plant species native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. The use of agricultural plant species in rows, as commonly found in the landscape setting is also encouraged.

   B. Coniferous Woodland and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New development and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland and Oak-Pine Woodland landscape.

      (1) Buildings designed to have a vertical overall appearance in the Coniferous Woodland landscape setting and a horizontal overall appearance in the Oak-Pine Woodland landscape setting shall be encouraged.

      (2) Use of plant species native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

   C. Residential: The Residential setting is characterized by concentrations of dwellings.

(1) At Rowena Dell, new buildings shall have a rustic appearance using natural materials. At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

(2) Use of plant species native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

D. River Bottomlands: River Bottomlands shall retain the overall visual character of a floodplain and associated islands.

(1) Buildings shall have an overall horizontal appearance in areas with little tree cover.

(2) Use of plant species native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

E. Gorge Walls, Canyonlands, and Wildlands: New development and land uses shall retain the overall visual character of the natural-appearing landscape.

(1) Structures, including signs, shall have a rustic appearance, use non-reflective materials, have low contrast with the surrounding landscape, and be of a Cascadian architectural style.

(2) Temporary roads shall be promptly closed and revegetated.

(3) New utilities shall be below ground surface, where feasible.

(4) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

## ***SMA Guidelines for Development and Uses Visible from KVAs***

*1.* The guidelines in this section shall apply to proposed development on sites topographically visible from key viewing areas.

2. New development and land uses shall be evaluated to ensure that the required scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from key viewing areas.

3. The required SMA scenic standards for all development and uses are summarized in the following table:

| REQUIRED SMA SCENIC STANDARDS | | |
|---|---|---|
| **LANDSCAPE SETTING** | **LAND USE DESIGNATION** | **SCENIC STANDARD** |
| Coniferous Woodland, Oak-Pine Woodland | Forest (National Forest Lands), Open Space | Not Visually Evident |
| River Bottomlands | Open Space | Not Visually Evident |
| Gorge Walls, Canyonlands, Wildlands | Forest, Agriculture, Public Recreation, Open Space | Not Visually Evident |
| Coniferous Woodland, Oak-Pine Woodland | Forest, Agriculture, Residential, Public Recreation | Visually Subordinate |
| Residential | Residential | Visually Subordinate |
| Pastoral | Forest, Agriculture, Public Recreation, Open Space | Visually Subordinate |
| River Bottomlands | Forest, Agriculture, Public Recreation | Visually Subordinate |

4. In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

5. Proposed development or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

6. The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

   A. Decisions shall include written findings addressing the factors influencing the degree of visibility, including but not limited to:

      (1) The amount of area of the building site exposed to key viewing areas,

      (2) The degree of existing vegetation providing screening,

      (3) The distance from the building site to the key viewing areas from which it is visible,

(4) The number of key viewing areas from which it is visible, and

(5) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

B. Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as visible from key viewing areas, including but not limited to:

(1) Siting (location of development on the subject property, building orientation, and other elements),

(2) Retention of existing vegetation,

(3) Design (form, line, color, texture, reflectivity, size, shape, height, architectural and design details and other elements), and

(4) New landscaping.

7. Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

8. Proposed development shall not protrude above the line of a bluff, cliff, or skyline as visible from key viewing areas.

9. Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.

10. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

A. New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

B. If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

C. Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

D. The *Scenic Resources Implementation Handbook* shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

11. Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* shall include a recommended palette of colors as dark, or darker than the colors in the shadows of the natural features surrounding each landscape setting.

12. The exterior of structures on lands visible from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure meeting the scenic standard. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

13. Any exterior lighting shall be sited, limited in intensity, and shielded or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

14. Seasonal lighting displays may be permitted on a temporary basis, not to exceed 3 months.

15. New buildings shall be compatible with the general scale of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include but are not limited to:

    A. Application of the landscape setting design guidelines, if applicable.

    B. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

    C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

        (1) All finished above ground square footage;

(2) Total area of covered decks and porches;

(3) Attached garages

(4) Daylight basements

(5) Breezeways, if the breezeway shares a wall with an adjacent building

(6) Dimensions, based on information from the application or on Assessor's records

H. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

## ***SMA Guidelines for KVA Foregrounds and Scenic Routes***

1. All new development and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.

2. Scenic highway corridor strategies shall be implemented for Interstate 84 (I-84), Washington State Route 14 (SR 14) and the Historic Columbia River Highway (HCRH). For I-84, SR 14 and the HCRH, this involves ongoing implementation (and possible updating) of the associated existing documents.

3. The goals of scenic corridor strategies shall include: 1) providing a framework for future highway improvements and management that meet Management Plan scenic guidelines and public transportation needs; and 2) creating design continuity for the highway corridor within the National Scenic Area. Corridor strategies shall, at minimum, include design guidelines (e.g. materials, conceptual designs, etc.) for typical projects that are consistent with Management Plan scenic resources provisions and an interdisciplinary, interagency project planning and development process.

4. The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls. They shall apply in addition to applicable guidelines in the previous section (**SMA Guidelines for Development Visible from KVAs**).

   A. The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements in the previous section and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

B. Findings must evaluate the following:

(1) The limiting factors to meeting the required scenic standard and applicable guidelines from the previous section;

(2) Reduction in project size;

(3) Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;

(4) Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

C. Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as visible from the foreground of key viewing areas:

(1) **Form and Line**-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.

(2) **Color**-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.

(3) **Texture**-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.

(4) **Design**-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

5. Right-of-way vegetation shall be managed to minimize visual impacts of clearing and other vegetation removal as visible from key viewing areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.

6. Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.

## ***SMA Guidelines for Areas Not Visible from KVAs***

1. Unless expressly exempted by other provisions in this chapter, colors of structures on sites not visible from key viewing areas shall be dark earth-tones found at the specific site. The specific colors or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the *Scenic Resources Implementation Handbook*.

2. New buildings shall be compatible with the general scale of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include but are not limited to:

   A. Application of the landscape setting design guidelines, if applicable.

   B. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

   C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

      (1) All finished above ground square footage;

      (2) Total area of covered decks and porches;

      (3) Attached garages

      (4) Daylight basements

      (5) Breezeways, if the breezeway shares a wall with an adjacent building

      (6) Dimensions, based on information from the application or on Assessor's records

   D. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

# SMA SIGN PROVISIONS

## *SMA Signs Goal*

1. Allow signs in the SMAs that meet the functional needs for which they are designed while minimizing scenic impacts.

## *SMA Signs Policies*

1. All public signs subject to review located in the SMAs must be designed and located in compliance with the standards described in the Columbia River Gorge National Scenic Area Graphic Signing System and must conform to the standards contained in the *Manual on Uniform Traffic Control Devices* (2012, or most recent version).
2. New signs shall meet the minimum provisions of these guidelines in all cases where these provisions do not conflict with other regulations intended for public safety and information.

## *SMA Signs Guidelines*

1. New signs shall be allowed as specified in the applicable land use designation.
2. No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.
3. Preexisting signs are allowed to continue, provided no changes occur in size, structure, color, or message.
4. Except for signs allowed without review pursuant to Part II, Chapter 7: General Policies and Guidelines, all new signs shall meet the following guidelines and be consistent with the *Manual on Uniform Traffic Control Devices* (2012, or most recent version):
    A. Signs shall be maintained in a neat, clean, and attractive condition.
    B. The character and composition of sign materials shall be harmonious with the landscape and related to and compatible with the main structure upon which the sign is attached.
    C. Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.
    D. Signs shall be unobtrusive and have low contrast with the setting.
    E. The visual impact of the support structure shall be minimized.
    F. Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.
    G. The backs of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.
    H. Internal illumination or backlighting of signs shall not be permitted except for highway construction, warning, or safety.
5. Public signs shall meet the following standards in addition to Guidelines 1 through 4 of this section:
    A. The Graphic Signing System provides design standards for public signs

in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation regulatory, guide, and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.

B. Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System.

6. Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System. Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

7. Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to Guidelines 1 through 4 and 7 of this section:

   A. Any sign advertising or relating to a business that is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

   B. Any signs relating to or advertising for a business shall be brought into conformance with these sign guidelines before any expansion or change in use that is subject to review by the counties.

   C. Offsite and onsite directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted onsite, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

   D. Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

   E. Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.

8. The following signs are prohibited:

   A. Advertising billboards.

   B. Signs that move or give the appearance of moving, except signs used for highway construction, warning, or safety.

   C. Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway

construction, warning, or safety.

9. Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

CHAPTER

# 2

# Cultural Resources

Cultural resources are the objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. They can be divided into four types:

**Archaeological resources:** The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human manufactures items and the waste material from manufacture. Features are the human alterations in the landscape.

**Historic buildings and structures:** Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

**Traditional cultural properties:** Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.

**Traditional Use Areas:** Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group’s culture.

A rich and diverse array of cultural resources exists in the National Scenic Area. The cultural resources range from 10,000-year-old stone tools to log cabins built by pioneers to vision quest sites still used today by Native Americans.

## NATIONAL SCENIC AREA ACT PROVISIONS

One purpose of the National Scenic Area Act is to "protect and provide for the enhancement of the. . . cultural. . . resources of the Columbia River Gorge" [Section 3(1)].

The National Scenic Area Act authorizes the Gorge Commission and the Forest Service to protect cultural resources by using guidelines and the Open Space designation (see Part II, Chapter 4). The guidelines must require new commercial and residential uses, mineral operations, and other types of development to occur without adversely affecting

cultural resources [Section 6(d)]. The National Scenic Area Act defines "adversely affect" to mean a "reasonable likelihood of more than moderate adverse consequences for . . . cultural . . . resources" [Section 2(a)].

The National Scenic Area Act also directs the Gorge Commission and Forest Service to "protect and enhance open spaces" [Section 6(d)(3)].

Open spaces include cultural and historic areas, archaeological sites, village sites, historic trails and roads, and other areas that are culturally and historically significant [Section 2(l)].

## KEY ISSUES

Cultural resources are intrinsically important. They are vital to protecting the religious freedom, traditional beliefs, and cultural identity of past and current peoples.

Cultural resources also allow people to learn firsthand about precontact and historic cultures, and contribute context and insight about our physical and cultural evolution.

Cultural resources can be destroyed by human activities, directly by new development that disturbs the ground, and indirectly through climate change, neglect, or impacts from recreation uses. State laws in Oregon and Washington offer limited protection to cultural resources. The laws do not become effective until the presence of a cultural resource site is known. Yet, they do not require cultural resource surveys to be conducted before development begins.

The provisions in the Management Plan require reconnaissance surveys for most new uses and development and requires all activity stop if resources are discovered during construction. In such cases, survey, evaluation, assessment, and mitigation plans would be required before construction could continue. To respect Native American culture, the guidelines also detail how human remains discovered during construction will be treated.

## OVERVIEW OF CULTURAL RESOURCES PROVISIONS

The GMA provisions in this chapter apply to all development on public and private lands in the GMA, as well as to non-federal development in the SMAs. The SMA provisions apply to development on federal lands, federally assisted projects, and forest practices that occur in the SMAs.

The GMA provisions employ a four-step process to protect cultural resources.

This process entails:

- Requiring cultural resource surveys before some new developments are approved. Survey requirements are waived for developments that would have little or no effect on cultural resources, such as activities that do not disturb the ground or alter structures that are less than 50 years old.

- Evaluating the significance of any resources

discovered during the surveys.

- Assessing and documenting the effects of the proposed development on cultural resources.

- Preparing mitigation plans to avoid impacts to resources.

These steps require consultation with tribal governments, social and cultural groups, and interested persons. Both the GMA and SMA parts of this chapter contain guidelines to halt a project if cultural resources are discovered during construction. In such case, survey, evaluation, assessment, and mitigation plans would be required before construction could continue. To respect Native American culture, the guidelines also detail how human remains discovered during construction will be treated.

# GMA PROVISIONS

## GMA Goals

1. Protect and enhance cultural resources.

2. Ensure that proposed development and uses do not have adverse effects on significant cultural resources.

## GMA Objectives

1. Survey all lands in the GMA for cultural resources as soon as funds are available. The Gorge Commission shall facilitate a multiparty effort to seek funds for such a survey. The parties should include tribal and local governments and state and federal agencies. The first phase of the inventory should consist of a Native American oral history program.

2. The Forest Service archaeologist for the National Scenic Area shall maintain a confidential inventory of cultural resources and update the cultural resources inventory as new cultural resources are discovered.

3. Establish a Cultural Advisory Committee (CAC) to monitor the cultural resource protection process and provide technical assistance to local governments and landowners.

4. Use regulations to avoid adverse effects of new development and land uses within and near cultural resources, emphasizing avoidance whenever possible, allowing mitigation only as a last resort, and prohibiting new developments and uses where three would be an adverse effect that cannot be mitigated.

5. Promote educational programs and incentives that encourage landowners and agency officials to voluntarily protect and enhance cultural resources.

## GMA Policies

1. Generally, well-defined geographic areas that possess large concentrations of cultural resources shall be designated Open Space.

2. Information regarding the nature and location of archaeological resources and cultural resources associated with Native Americans shall be kept confidential to avoid unlawful, malicious, or negligent disturbance. The National Scenic Area Act requires this information be maintained as confidential. [Section 6(a)(1)(A)]

3. A four-step process shall be used to protect cultural resources: performing cultural resource reconnaissance or historic surveys before proposed uses are authorized;

evaluating the significance of cultural resources discovered during surveys; assessing the effects of proposed uses on significant cultural resources; and preparing mitigation plans to avoid or minimize impacts to significant cultural resources.

4. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date).

5. Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with tribal governments and any person who submits written comments on a proposed use (interested person). Tribal governments shall be consulted if the affected cultural resources are precontact or otherwise associated with Native Americans.

6. Comments received from a tribal government at any time during a local government's review of a proposed development or use shall be considered to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.

7. The reconnaissance survey guidelines below shall apply until a cultural resource survey of the GMA is complete.

   A. A reconnaissance survey shall be required for all proposed uses, except:

      (1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

      (2) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

      (3) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of manufactured homes where septic systems and underground utilities are not involved. The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

(4) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include grading and cultivation.

(5) Proposed uses that would occur on sites that have been adequately surveyed in the past. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.

(6) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:

(a) Residential development that involves two or more new dwellings for the same project applicant.

(b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.

(c) Public transportation facilities that are outside improved rights-of-way.

(d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.

(e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

B. Areas that have a low probability of containing cultural resources shall be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the Forest Service, public agencies, and private archaeologists.

C. The Gorge Commission, after consulting tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. It shall be refined and revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

D. A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource and all proposed uses within 100 feet of a high probability area, including those uses listed above in 6.A(1) through (6).

The Forest Service maintains a map of known cultural resources and a probability map. Both maps are confidential as required by the National Scenic Area Act, other federal law, and Oregon and Washington law.

8. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

9. The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the GMA. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

10. Project applicants are responsible for paying for evaluations of significance and mitigation plans for cultural resources that are discovered during construction of small-scale and large-scale uses in the GMA. For the Management Plan, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

11. The responsibility and cost of preparing an evaluation of significance, assessment of effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction.

12. If cultural resources may be affected by a proposed use, an evaluation shall be performed to determine if they are significant. Cultural resources are significant if one of the following criteria is satisfied:

    A. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Generally, cultural resources must meet one or more of the following criteria. If a cultural resource meets one or more of the criteria, then it shall be assessed for integrity of location, design, setting, materials, workmanship, feeling, and association. If a cultural resource has the requisite integrity, then it would be eligible for the National Register of Historic Places.

        (1) Have an association with events that have made a significant contribution to the broad patterns of the history of this region.

        (2) Have an association with the lives of persons significant in the past.

(3) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.

(4) Yield, or may be likely to yield, important precontact or historical information.

B. The cultural resources are determined to be culturally significant by a tribal government, based on criteria developed by that tribal government.

13. If a project applicant's and tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and tribal government's concerns. The CAC will submit a recommendation to the local government as to whether affected cultural resources are significant.

14. If cultural resources are determined to be significant, there shall be a professional assessment of the effects of the proposed use. The assessment shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.5).

15. A mitigation plan shall be prepared if a proposed use would have an adverse effect on significant cultural resources. The criteria published in “Resolution of Adverse Effects” (36 CFR 800.6) shall be used to determine if a proposed use would have an adverse effect.

16. Mitigation measures shall ensure that a proposed use would have no adverse effect on significant cultural resources. Uses that would adversely affect significant cultural resources shall be prohibited.

17. Avoidance is the preferred method of cultural resource protection. Other mitigation measures to reduce the effect of a proposed use on cultural resources shall be used only if avoidance is not practicable.

18. The state historic preservation officer (SHPO) shall have an opportunity to review all cultural resource surveys, evaluations, assessments, and mitigation plans. Based on comments submitted by the SHPO and interested persons, the local government shall make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, and guidelines.

19. The SHPO may delegate all or a portion of their responsibilities under these goals, objectives, policies, and guidelines to a local government that establishes a Certified Local Government, as provided in the National Historic Preservation Act of 1966.

20. If cultural resources are discovered during construction activities, all construction shall cease until the resources are inventoried and evaluated in accordance with applicable law and any inadvertent discovery plan. If the resources are determined

to be significant, a mitigation plan shall be prepared.

21. If human remains are discovered during a cultural resource survey or during construction activities, all activities shall cease and the proper officials and governments shall be notified. Human remains shall be treated in accordance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) as amended, and other state laws that do not conflict with NAGPRA. A mitigation plan shall be prepared if the remains are reinterred or preserved in their original position.

22. Provide incentives to protect and enhance historically significant buildings by allowing uses of such buildings that are compatible with their historic character and that provide public appreciation and enjoyment of them as cultural resources.

## ***GMA Guidelines***

Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed development that is subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan.

### Cultural Resource Reconnaissance and Historic Surveys

#### Gorge Commission and Tribal Government Notice

1. In addition to other public notice requirements that may exist, local governments shall notify the tribal governments when (1) a reconnaissance survey is required or (2) cultural resources that are precontact or otherwise associated with Native Americans exist in the project area. Notices sent to tribal governments shall include a site plan. At a minimum, notice shall be sent via email where addresses are available. If a tribal government requests notice in another form, local governments shall comply with that request.

2. Tribal governments shall have 30 calendar days from the date a notice is mailed to submit written comments to the local government. The tribal government may choose to include comments that describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them. The local government shall send a copy of all comments to the Gorge Commission.

#### Consultation and Ethnographic Research

1. When written comments are submitted to a local government in a timely manner, the project applicant shall offer to meet with the interested persons within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the interested persons.

2. Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. This consultation

meeting may include oral history identification through tribal sources. Recommendations to avoid potential conflicts should be discussed.

3. All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report, except that sensitive tribal information may be redacted by an appropriate tribal representative. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

4. A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.

5. All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

## Surveys and Survey Reports

### *Reconnaissance Surveys – Small-Scale Uses*

1. Reconnaissance surveys for small-scale uses shall be designed by a qualified professional.

2. Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

    A. A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.

    B. Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.

### *Reconnaissance Survey Reports – Small-Scale Uses*

1. The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

    A. A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the reconnaissance survey.

    B. A description of any cultural resources that were discovered in the project

area, including a written description and photographs.

C. A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.

***Reconnaissance Surveys – Large-Scale Uses***

1. Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

2. Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following guidelines:

   A. Archival research shall be performed before any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

   B. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

   C. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

   D. Archaeological site inventory forms shall be submitted to the SHPO whenever cultural resources are discovered.

***Reconnaissance Survey Reports – Large-Scale Uses***

1. The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

   A. A description of the proposed use, including drawings and maps.

   B. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

   C. A list of the documents and records examined during the archival research and a description of any precontact or historic events associated with the project area.

   D. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale that

provides accurate and readable details. In no event shall the scale be less than 1 inch equals 100 feet (1:1,200).

E. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than 1 inch equals 100 feet (1:1,200).

F. A summary of all written comments submitted by tribal governments and other interested persons.

G. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.

### *Historic Surveys and Reports*

1. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.

2. Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.

3. The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

### Notice of Survey Results

1. The local government shall submit a copy of all cultural resource survey reports to the SHPO and the tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.

2. The SHPO and the tribal governments shall have 30 calendar days from the date a survey report is mailed to submit written comments to the local government. The local government shall record and address all written comments in its development review order.

### Conclusion of the Cultural Resource Protection Process

1. The local government shall make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, the local

government shall justify how it reached an opposing conclusion.

2. The cultural resource protection process may conclude when one of the following conditions exists:

   A. The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed.

   B. A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed.

   C. The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground-disturbing activities shall be prohibited within the buffer zone. Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

   D. An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

   E. A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures.

      (1) To demonstrate that the proposed use would not have an effect on historic buildings or structures, the historic survey must satisfy one of the following guidelines:

         (a) The SHPO concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

         (b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving,*

*Rehabilitating, Restoring, and Reconstructing Historic Buildings* (U.S. Department of the Interior 2017 or most recent revision).

(2) The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

(3) The historic survey and report must demonstrate that these guidelines have been clearly and absolutely satisfied. If the SHPO or the local government question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

## Evaluation of Significance

### Evaluation Criteria and Information Needs

1. If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following guidelines:

   A. Evaluations of significance shall follow the procedures in *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior, 1997 or most recent revision) and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, 1998 or most recent revision). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

   B. To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.

   C. The project applicant shall contact tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

   D. The evaluation of significance shall follow the principles, guidelines, and report format recommended by the Oregon State Historic Preservation Office (Oregon SHPO) or Washington Department of Archaeology and Historic Preservation (Washington DAHP ). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

   E. All documentation used to support the evaluation of significance shall be

cited. Evidence of consultation with tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from tribal governments and interested persons shall be appended to the evaluation of significance.

### Notice of Evaluation Results

1. If the evaluation of significance demonstrates that the cultural resources are not significant, the local government shall submit a copy of the evaluation of significance to the SHPO and the tribal governments for concurrence.

2. The SHPO, tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the local government. The local government shall record and address all written comments in its development review order.

### Cultural Resources are Culturally Significant

1. If a tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee (CAC) shall make an independent review of the applicant's evaluation and the tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.

2. The tribal government shall substantiate its concerns in a written report. The report shall be submitted to the local government, CAC, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC must submit its recommendation to the local government within 30 calendar days from the date the evaluation of significance is mailed.

### Conclusion of the Cultural Resource Protection Process

1. The local government shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or recommendations submitted by the SHPO or CAC, the local government shall justify how it reached an opposing conclusion.

2. The cultural resource protection process may conclude if the affected cultural resources are not significant.

3. If the project applicant or the local government determines that the cultural resources are significant, the effects of the proposed use shall be assessed.

## Assessment of Effect

### Assessment Criteria and Information Needs

1. If a use could potentially affect significant cultural resources, an assessment shall

be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following guidelines:

A. The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.5) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.11.

(1) Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.5].

(2) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR 800.5]. Adverse effects on cultural resources include, but are not limited to:

(a) Physical destruction, damage, or alteration of all or part of the cultural resource.

(b) Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant.

(c) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting.

(d) Neglect of a significant cultural resource resulting in its deterioration or destruction, except as described in 36 CFR 800.5.

B. The assessment of effect shall be prepared in consultation with tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by tribal governments and interested persons shall be recorded and addressed in the assessment.

C. The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following instances apply:

(1) The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines.

(2) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through

conformance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (U.S. Department of the Interior 2017 or most recent revision).
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(3) The proposed use is limited to the transfer, lease, or sale of non-federal lands that contain cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

### Notice of Assessment Results

1. If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the local government shall submit a copy of the assessment to the SHPO and the tribal governments.

2. The SHPO, tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the local government. The local government shall record and address all written comments in its development review order.

### Conclusion of the Cultural Resource Protection Process

1. The local government shall make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect. If the final decision contradicts the comments submitted by the SHPO, the local government shall justify how it reached an opposing conclusion.

2. The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.

3. A mitigation plan shall be prepared if a project applicant or the local government determines that the proposed use would have an adverse effect on significant cultural resources.

## Mitigation Plans

### Mitigation Plan Criteria and Information Needs

1. Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans shall reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

   A. Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the SHPO.

B. Avoidance of cultural resources through project design and modification is preferred. Avoidance may be affected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures may include, but are not limited to, requiring a monitor during construction, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism shall be developed and recorded in county deeds and records.

C. Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR 800.11, including, but not limited to:

(1) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.

(2) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.

(3) Documentation of consultation with the SHPO regarding any alternatives or mitigation measures.

(4) A description of the project applicant's efforts to obtain and consider the views of tribal governments, interested persons, and local governments.

(5) Copies of any written recommendations submitted to the local government or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

## Notice of Mitigation Plan Results

1. If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the local government shall submit a copy of the mitigation plan to the SHPO and the tribal governments.

2. The SHPO, tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the local government. The local government shall record and address all written comments in its development review order.

## Conclusion of the Cultural Resource Protection Process

1. The local government shall make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by the SHPO, the local government shall justify how it reached an opposing conclusion.

2. The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.

3. The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

**Cultural Resources Discovered After Construction Begins**

1. The following procedures shall be affected when cultural resources are discovered during construction activities, and shall be included as conditions of approval for all review uses. All survey and evaluation reports and mitigation plans shall be submitted to the local government and the SHPO. Tribal governments also shall receive a copy of all reports and plans if the cultural resources are precontact or otherwise associated with Native Americans.

    A. Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

    B. Notification. The project applicant shall notify the local government and the Gorge Commission within 24 hours of the discovery. If the cultural resources are precontact or otherwise associated with Native Americans, the project applicant shall also notify the tribal governments within 24 hours.

    C. Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the SHPO. (See Oregon Revised Statute ORS 358.905 to 358.955, and Revised Code of Washington [RCW] 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in the "Reconnaissance Survey Reports – Large-Scale Uses" and "Evaluation of Significance: Evaluation Criteria and Information Needs" sections of this chapter. Based on the survey and evaluation report and any written comments, the local government shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant. A mitigation plan shall be prepared if the affected cultural resources are significant.

    D. Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

## Discovery of Human Remains

1. The following procedures shall be used when human remains are discovered during a cultural resource survey or during construction, and shall be included as a condition of approval for all review uses. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

    A. Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

    B. Notification. Local law enforcement officials, the local government, the Gorge Commission, and the tribal governments shall be contacted immediately. Do not contact any other entity other than those listed here.

    C. Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are precontact, historic, or modern. Representatives from the tribal governments shall have an opportunity to monitor the inspection.

    D. Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.

    E. Treatment. In Oregon, precontact or historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760. In Washington, the procedures set forth in RCW 27.44 and 68.05 shall generally be implemented if the remains are precontact or historic.

        (1) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter.

        (2) The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the "Mitigation Plans: Conclusion of the Cultural Resource Protection Process" section of this chapter are met and the mitigation plan is executed.

## Cultural Advisory Committee

1. The Gorge Commission shall establish a Cultural Advisory Committee (CAC) within 200 days after the Secretary of Agriculture concurs with the Management Plan. The CAC shall comprise cultural resource professionals, interested individuals, and at least one representative from each of the four Columbia River treaty tribes. The CAC will perform six principal functions:

A. Monitor cultural resource surveys, evaluations, impact assessments, and mitigation plans.

B. Periodically formulate and submit recommendations to SHPOs, local governments, and the Gorge Commission regarding cultural resource surveys, evaluations, impact assessments, and mitigation plans.

C. Monitor cultural resource decisions made by SHPOs and local governments.

D. Recommend procedural and administrative changes to the Gorge Commission that would improve the cultural resource protection process.

E. Advise the Gorge Commission on the design and implementation of future cultural resource inventories, including oral history programs and survey strategies.

F. Review evaluations of significance when a disagreement arises between a project applicant and a tribal government. In these instances, the CAC shall submit written recommendations to the local government. Recommendations shall be based on the evaluation prepared by the project applicant, reports submitted by tribal governments, and comments submitted by interested persons, including the SHPO.

## SMA PROVISIONS

### ***SMA Goal***

Protect and enhance cultural resources.

### ***SMA Policies***

1. New developments or land uses shall not adversely affect significant cultural resources.

2. Federal agencies shall follow steps 1 through 5 under Guideline 4 below, for new developments or land uses on all federal lands, federally assisted projects, and federal forest practices.

3. Reviewing agencies shall use the procedures defined by the Gorge Commission for the GMA for proposed developments or land uses not listed in Policy 2, above.

4. Well-defined concentrations of significant cultural resources shall be designated as Open Space.

5. All cultural resource information shall remain confidential, according to Section 6(a)(1)(A) of the National Scenic Area Act. Federal agency cultural resource

information is also exempt by statute from the Freedom of Information Act under 16 USC (United States Code) 470 aa and 36 CFR 296.18.

6. Principal investigators shall meet the professional standards published in 36 CFR 61.

7. The Forest Service shall be responsible for performing steps 1 through 5 under Guideline 4 for federal forest practices and National Forest system lands.

8. The Forest Service shall consult with the tribal governments and other consulting parties in performing steps 1 through 5 under Guideline 4.

9. The Forest Service shall consult with tribal governments and other consulting parties for opportunities to enhance cultural resources.

10. The SMA provisions will have little effect on federal or federally assisted developments. These developments must continue to comply with Section 106 of the Historic Preservation Act of 1966.

## ***SMA Guidelines***

1. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.

2. For federal or federally assisted undertakings, the reviewing agency shall complete its consultation responsibilities under Section 106 of the Historic Preservation Act of 1966 [36 CFR 800.2].

3. Discovery during construction: All authorizations for new developments or land uses shall require the immediate notification of the reviewing agency if cultural resources are discovered during construction or development. If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and if possible recover the resource.

   If the discovered material is suspected to be human bone or a burial, the following procedures shall be used:

   A. The applicant shall stop all work in the vicinity of the discovery.

   B. The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the county coroner, and appropriate law enforcement agencies.

   C. The Forest Service shall notify the tribal governments if the discovery is

determined to be an Indian burial or a cultural resource.

4. Reviewing agencies shall use the following steps under 36 CFR 800.4 for assessing potential effects to cultural resources and 36 CFR 800.5 for assessing adverse effects to cultural resources.

**Step 1: Literature Review and Consultation**

A. An assessment shall be undertaken to determine whether any cultural resources listed on the National Register of Historic Places at the national, state, or local level are present on or within the area of potential direct and indirect impacts.

B. A search shall be made of state and county government, National Scenic Area/Forest Service, and any other pertinent inventories, such as archives and photographs, to identify cultural resources. The search shall include consultation with the State Historic Preservation Office (SHPO) and tribal governments. State and tribal government response to the consultation request shall be allowed for 30 days.

C. Cultural resource professionals knowledgeable about the area shall be consulted.

**Step 2: Field Inventory**

A. As determined by step 1, the presence of a recorded or known cultural resource, including those reported by tribal governments to be on or within the immediate vicinity of a new development or land use, shall require a field inventory by a cultural resource professional.

B. Tribal representatives shall be invited to participate in the field inventory.

C. The field inventory shall conform to one of the following standards, as determined by the cultural resource professional:

(1) Complete survey: The systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly spaced transects. A complete survey may also require techniques such as clearing of vegetation or augering or shovel probing of subsurface soils for the presence of buried cultural resources.

(2) Sample survey: The sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for parcels that are large or difficult to survey, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is stratified either by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers, and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

D. A field inventory report shall be required and shall include the following:

(1) A narrative integrating the literature review (step 1) with the field inventory (step 2).

(2) A description of the field inventory methodology used. The description shall include the type and extent of field inventory and shall be supplemented by maps that graphically illustrate the areas surveyed and not surveyed and provide the rationale for each.

(3) A statement of the presence or absence of cultural resources within the area of the new development or land use.

(4) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources. Recommendations and standards for monitoring, if appropriate, shall be included.

E. The report shall follow the format specified by the Washington Department of Archaeology and Historic Preservation for inventories conducted in the State of Washington. Reports for inventories conducted in the State of Oregon shall follow the format specified by the Oregon State Historic Preservation Office.

F. The field inventory report shall be presented to the Forest Service for review.

**Step 3: Evaluations of Significance**

A. When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource in accordance with the criteria of the National Register of Historic Places (36 CFR 60.4).

B. Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.

C. Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, "Guidelines for the Evaluation and Documentation of Traditional Cultural Properties," within local and regional contexts.

D. Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A

through D (36 CFR 60.4). The Forest Service shall review evaluations for adequacy.

E. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

**Step 4: Assessment of Effect**

A. For each significant (i.e., eligible for the National Register) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5 ("Assessing Effects"). Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for B through D below. The Forest Service shall review each determination for adequacy.

B. If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.4) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of 36 CFR 800.11. If the proposed development or change in use will have an effect then the criteria of adverse effect must be applied (36 CFR 800.5).

C. If the proposed development or change in use will have an "Adverse Effect" [36 CFR 800.5] to a significant cultural resource, the type and extent of "adverse effect" upon the qualities of the property that make it eligible for the National Register shall be documented (36 CFR 800.6 “Resolution of Adverse Effects”). This documentation shall follow the process outlined under 36 CFR 800.11 (“Failure to Resolve Adverse Effects”).

D. If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), recommendations shall be documented concerning the beneficial effects upon the qualities of the cultural resource that make it eligible for the National Register. This documentation shall follow the process outlined under 36 CFR 800.11 ("Documentation Standards").

**Step 5: Mitigation**

A. If there will be an effect on cultural resources, mitigation measures shall be provided (36 CFR 800.6 “Resolution of Adverse Effects”). Mitigation measures that shall be considered include avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, and other appropriate measures.

B. Evidence of consultation with tribal governments and individuals with knowledge of the affected resources, and documentation of their concerns, shall be included for all mitigation proposals.

C. The Forest Service shall review all mitigation proposals for adequacy.

*5.* Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan.

CHAPTER

# 3

# Natural Resources

Climate, geology, soils, and other environmental factors combine to make the Gorge rich in natural resources. For this chapter, natural resources mean wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and Natural Areas.

The Management Plan directly addresses natural resources in this stand-alone chapter. These resources are also essential components of scenic, cultural, and recreation resources, the economy of the Gorge, and traditional use areas for the treaty-reserved hunting, fishing, and gathering rights of the four Columbia River treaty tribes.

The abundance of streams, wetlands, springs, and other water resources in the Gorge is among its defining traits.

A diversity of fish, wildlife, and habitats are found in the Gorge, spanning the gradient from lush coniferous forest to pine-oak woodlands to eastern scablands.

The diverse ecosystems of the Gorge foster native species of wildflowers, including many species that are listed as endangered, threatened, or sensitive. Several species do not occur outside the Gorge region.

In addition to rare plants, the Gorge is home to ~~f~~orty-five Natural Areas~~:,~~ 24 in Oregon and 21 in Washington that range from old growth forests in Multnomah Basin in Multnomah County to bunchgrass prairies in the Columbia Hills of Klickitat County. Maps of these original inventories are retained by the Gorge Commission and Forest Service.

## NATIONAL SCENIC AREA ACT PROVISIONS

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 [Section 6(d)(3)].

The National Scenic Area Act also requires the Management Plan to protect and enhance open spaces [Section 6(d)(3)]. Open Space designations in the GMA and SMAs include "fish and wildlife habitat; lands which support plant species that are endemic to the National 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 . . .” [Section 2(l)]. Applicable policies and guidelines are located in Part II, Chapter 3: Open Space.

## KEY ISSUES

New development and land uses have the potential to destroy, displace, degrade, or enhance natural resources. Development in the National Scenic Area is carefully directed to protect natural resources from overuse, destruction, disturbance, and fragmentation. Guidelines that require Best Management Practices and resource protection policies are applied to development activities to prevent and minimize impacts to natural resources.

Development can threaten functioning natural systems in many ways. For example, improper grading can cause sedimentation into streams and encourage the spread of invasive species; new development can disturb and displace wildlife; and the removal of trees can degrade stream function. Cumulative effects of development across an area may increase the potential for impacts to plants, wildlife, and natural systems.

Climate change impacts, including altered precipitation, temperatures, and snowpack, stress natural systems in new and intensified ways. The Management Plan supports resilient systems and resilient communities in the face of these pressures.

Natural resources are protected from impacts of development by requiring avoidance and buffers for natural features. The National Scenic Area also requires minimum parcel sizes and limits new buildings and uses on the landscape.

Private lands play an important role in maintaining natural resources. Spatial planning tools and web-based maps allow landowners and planners to identify known natural resources early in the project planning process. The National Scenic Area creates a unique relationship between resource agencies; local planners have access to state and federal agency expertise, while these agencies have new opportunities to support conservation on private lands.

There are numerous federal, state, and local laws that protect natural resources in different ways. This Chapter ensures that technical review and expert recommendations inform all land use decisions in the National Scenic Area. The Management Plan aims to achieve consistency across two states and six counties, and to protect natural resources that are not protected under other existing regulations across all land ownerships.

## OVERVIEW OF NATURAL RESOURCES PROVISIONS

The natural resource objectives, policies, and guidelines for the GMA are divided into three sections: water resources (wetlands; streams, ponds, lakes, and riparian areas); wildlife habitat; and rare plants**.** They regulate most uses, except activities allowed outright and forest practices that are administered by each state’s Forest Practices Act.

The SMA provisions regulate most activities, including forest practices. Goals and policies for water resources are followed by those for wildlife and plants. Guidelines for water resources, wildlife, plants, and soil productivity complete the SMA natural resources provisions.

Several tools are used to protect natural resources in the GMA and SMAs. The provisions require an applicant to avoid adversely affecting natural resources. The guidelines require leaving a natural buffer zone around water resources. In the GMA, exceptions are made for water-related and water-dependent uses, if there is no practicable alternative and adequate protection of the resource is provided. Limited review uses that are not water-dependent require additional approval criteria.

Site-specific plans are required for development proposed near sensitive wildlife sites. If habitat would be altered by new development, resource rehabilitation and mitigation are required to reduce and offset effects.

New fencing in winter range habitat is designed to allow wildlife safe passage through the landscape.

The guidelines protect rare plants by ensuring that new development and uses avoid plant sites and their adjacent habitat. New development is prohibited in the buffer area, though variances may be made in the GMA if the buffer would deny all reasonable use of a parcel.

Most Natural Areas are designated Open Space; guidelines for this designation are found in Part II, Chapter 3: Open Space. In the GMA, several Natural Areas are designated Agriculture-Special. In this designation, existing livestock grazing is allowed, new grazing must be reviewed, and cultivation is prohibited to protect plant communities. Guidelines for the Agriculture-Special designation are found in Part II, Chapter 1: Agricultural Land.

# GMA PROVISIONS

# WATER RESOURCES: WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS

## GMA Goals: Water Resources

1. Achieve no loss of wetlands acreage and functions.
2. Improve the quality of wetlands.
3. Protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.
4. Enhance aquatic and riparian areas.

## GMA Objectives: Water Resources

1. Use regulations to avoid adverse effects of development tand land use within and near water resources.
2. Promote public programs that offer incentives for landowners to protect and enhance water resources. Provide information to landowners whose property contains or is near water resources about the values of these features and the rationale for regulating new uses in water resources and buffer zones, including cultivation. Provide relevant information about available funding opportunities or technical services.
3. Work with land trusts to secure fee interest, conservation easements, and other interests in properties where regulation, incentives, and other strategies cannot accomplish necessary protection and enhancement.

## GMA Policies: Wetlands

1. The **wetlands** goals, policies, and guidelines in the Management Plan shall not apply to the main stem of the Columbia River. The Gorge Commission will rely on the applicable federal and state laws to protect wetlands in the Columbia River, including the U.S. Clean Water Act, Washington State Environmental Policy Act, Washington Hydraulic Code, Oregon requirements for compliance with Statewide Planning Goal 5, and Oregon Removal-Fill Act.

2. The main stem of the Columbia River is defined by the Ordinary High Water Mark or Normal Pool Elevation depicted on the map titled “Boundary Map Columbia River Gorge National Scenic Area,” numbered NSA-001, and dated September 1986. Maps are available at county planning departments and Gorge Commission and Forest Service offices. For the Management Plan, backwaters and isolated water bodies created by roads and railroads are not part of the main stem of the Columbia River.

3. All wetlands, regardless of their size or functions, warrant protection from new uses that may alter or impair wetlands functions. This can include altered or manmade features that meet wetland definitions and criteria specified in *Corps of Engineers Wetlands Delineation Manual* Wetlands Research Program Technical Report Y-87-1, on-line edition, and applicable Regional Supplements as may be revised from time to time.

4. An undisturbed buffer should be preserved around wetlands to protect and enhance wetlands functions and associated uplands**.** Uses that may impact wetlands acreage and functions may be allowed, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and the applicable approval criteria in this section.

5. New uses shall avoid wetlands to the greatest extent practicable.

6. Impacts to wetlands may be allowed only when all practicable measures have been applied to avoid those impacts, and the use is in the public interest.

7. A project applicant shall be required to provide applicable wetlands buffer zones and to offset unavoidable impacts to wetlands that result from their actions by restoring, creating, or enhancing wetlands as specified in the Management Plan.

8. Project proposals affecting wetlands or wetlands buffer zones shall be coordinated with federal and state agencies that regulate new uses in wetlands or wetlands buffer zones and comply with applicable local, state, and federal laws, policies and regulations.

9. Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the Wetlands Compensation Plan requirements in this section.

10. All wetlands compensation plans must be approved by the local government, after consultation with federal and state agencies with jurisdiction over wetlands.

## GMA Policies: Streams, Ponds, Lakes, Riparian Areas

1. The water resource goals, policies, and guidelines in the Management Plan shall not apply to those portions of the main stem of the Columbia River that adjoin the Urban Areas. The Gorge Commission will rely on the applicable federal and state laws to protect those portions of the Columbia River that adjoin the Urban Areas. These policies are not intended to affect or modify treaty-reserved rights and other rights of the four Columbia River treaty tribes.

2. Proposed uses adjacent to streams, ponds, and lakes shall preserve an undisturbed buffer zone that is wide enough to protect aquatic and riparian areas. Uses with no practicable alternative 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.

3. New uses that are not water-dependent or water-related may be allowed in streams, ponds, lakes, and riparian areas if they are in the public interest and practicable alternatives do not exist.

4. Practicable measures shall be applied to minimize unavoidable impacts to streams, ponds, lakes, and riparian areas.

5. A project applicant shall offset unavoidable impacts to water resources and their buffer zones that result from their actions by rehabilitating or enhancing streams, ponds, lakes, and riparian areas.

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

7. Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the water resources mitigation plan section in this chapter.

   All mitigation plans shall be approved by the local government, after consultation with federal and state agencies with jurisdiction over streams, ponds, lakes, and riparian areas.

8. Project proposals affecting streams shall be coordinated with federal and state agencies that regulate new uses in streams and shall comply with applicable local, state, and federal permitting requirements.

# GMA Guidelines: Water Resources

## Site Plans for Review Uses in Water Resources and Buffer Zones

1. In addition to the information required in all site plans, site plans for proposed uses in water resources, or their buffer zones, shall include: a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the water resource , ordinary high water mark, or normal pool elevation, and the buffer zone; and a description of actions that would affect the water resource.

## Review Uses in Water Resources and Buffer Zones

1. The following uses may be allowed in wetlands, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria in Wetlands" in this section.

   A. The modification, expansion, replacement, or reconstruction of serviceable transportation or other public infrastructure (this does not include private road and driveways), if such actions would not;

      (1) Increase the size of an existing structure by more than 100 percent.

      (2) Result in a loss of water resource functions.

      (3) Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

   B. The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

   C. The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

2. The following uses may be allowed in water resources (except wetlands), and may be allowed in all water resource buffer zones (including wetlands buffer zones), subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Water Resources " in this section.

   A. The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not;

      (1) Increase the size of an existing structure by more than 100 percent.

      (2) Result in a loss of wetlands acreage or functions.

      (3) Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

(4) Intrude further into water resources or water resources buffer zone. New structures shall be considered intruding further into a water resource or associated buffer zone if any portion of the structure is located closer to the water resource or buffer zone than the existing structure.

B. The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

C. The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

3. Uses that are not allowed outright or in Guidelines 1 and 2], above, may be allowed in water resources (except wetlands) and in all water resources buffer zones (including wetland buffer zones), subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Other Review Uses in Water Resources" in this section.

## Approval Criteria for Uses in Wetlands

1. The uses identified in Guideline 1 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

A. Practicable alternatives for locating the structure outside of the wetland do not exist.

B. All reasonable measures have been applied to ensure that the use will result in the minimum loss of wetlands and in the minimum degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

C. The use will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

D. Areas disturbed during construction of the use will be rehabilitated to the maximum extent practicable.

E. The use complies with the Approval Criteria for Other Review Uses in Water Resources below.

F. Proposed uses in wetlands shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited

G. The use complies with all applicable federal, state, and local laws.

## Approval Criteria for Modifications to Serviceable Structures and Minor Water- Dependent and Water-Related Structures in Water Resources

1. The uses identified in Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

    A. Practicable alternatives for locating the structure outside of the water resource or buffer zone do not exist.

    B. All reasonable measures have been applied to ensure that the structure will result in the minimum alteration or degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

    C. The structure will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

    D. Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable.

    E. Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

    F. The structure complies with all applicable federal, state, and local laws.

## Approval Criteria for Other Review Uses in Water Resources

1. The uses identified in Guideline 3 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

A. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by the practicable alternative test in this section.

B. The proposed use is in the public interest as determined by the public interest test in this section.

C. Measures will be applied to ensure that the proposed use results in the minimum feasible alteration of the resource. As a starting point, the following measures shall be considered when new development and uses are proposed in water resources or buffer zones:

(1) Ecological functions, contour, and hydrology shall be maintained. Nonstructural controls and natural processes shall be used to the greatest extent possible.

(2) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon or Washington state's published guidelines for in-water work, or as advised by the applicable Department of Fish and Wildlife.

(3) All vegetation shall be retained to the greatest extent practicable, including wetland, aquatic, and riparian vegetation.

(4) Bridges, roads, pipelines and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(5) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used. State agencies with permitting responsibility for culverts shall be consulted.

(6) Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when water resource areas are disturbed, such as slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(7) Measures shall be taken to prevent the introduction or spread of invasive plants or aquatic species.

D. Groundwater and surface-water quality will not be degraded by the proposed use.

E. Those portions of a proposed use that are not water-dependent or that have a practicable alternative will not be located in water resources or buffer zones.

F. The proposed use complies with all applicable federal, state, and local laws.

G. Areas that are disturbed during construction of the proposed use will be rehabilitated. When a project area cannot be completely restored or rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

H. Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

I. Unavoidable impacts to water resources will be offset through the deliberate restoration, creation, or enhancement of impacted resources. Restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable water resource impacts.

J. Restoration, creation, and enhancement shall improve water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream, pond, lake, or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. The following water resource guidelines shall apply:

(1) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred approach when wetlands are impacted.

(2) Water resources restoration and enhancement shall be conducted in accordance with a wetlands compensation plan or water resources mitigation plan. Voluntary enhancement project applications shall be encouraged. See Part III, Chapter 4: Enhancement Strategies and Part II, Chapter 7: General Policies and Guidelines, “Resource Enhancement Projects.”

(3) Water resources shall be replanted with native plant species that replicate the original vegetation community.

(4) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

(5) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

(6) The bed of the affected aquatic area shall be rehabilitated with materials appropriate for the channel and hydrologic features.

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

(8) Rehabilitation and enhancement efforts shall be completed no later than 90 days after the water resource or buffer zone has been altered, or as soon thereafter as is practicable.

(9) The size of replacement wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered.

| | |
|---|---|
| **Restoration**: | 2:1 |
| **Creation**: | 3:1 |
| **Enhancement**: | 4:1 |

(10) Replacement wetlands shall replicate the functions of the wetlands that will be altered such that improvement of wetlands functions occurs.

(11) Replacement wetlands should replicate the type of wetland that will be altered. If this standard is not feasible or practical because of technical constraints, a wetland type of equal or greater benefit may be substituted, provided that improvement of wetlands functions occurs

(12) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this guideline is not practicable because of physical, or technical constraints, replacement shall occur within the same watershed and as close to the altered wetland as practicable.

(13) Restoration, creation, and enhancement efforts should be completed before a water resource is altered. If it is not practicable to complete all restoration, creation, and enhancement efforts before the water resource is altered, these efforts shall be completed before the new use is occupied or used.

(14) Five years after a wetland is restored, created, or enhanced, or three years after a **stream**, pond, lake, or **riparian area** is restored, at least

75 percent of the replacement vegetation shall survive. The project applicant shall monitor the hydrology and vegetation of the replacement water resource, provide reports, and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan or water resources mitigation plan and this guideline.

## Rules for Delineating Wetlands Boundaries

1. The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior), 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. Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered during an inspection of a potential project site shall be delineated and protected.

2. The project applicant shall be responsible for using the procedures specified in the *Corps of Engineers Wetlands Delineation Manual* (Wetlands Research Program Technical Report Y-87-1, on-line edition) and applicable Regional Supplements as may be revised from time to time. All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures.

3. The local government may verify the accuracy of, and render adjustments to, a wetlands boundary delineation. If the adjusted boundary delineation is contested by the project applicant, the local government shall obtain professional services to render a final delineation, at the applicant's expense.

## Water Resources Buffer Zones

1. All water resources shall, in part, be protected by establishing undisturbed buffer zones as specified below.

2. Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, and the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the water resource boundary. On the main stem of the Columbia River above the Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:

    A. The width of wetlands, lakes, and ponds buffer zones shall be based on the dominant vegetation community that exists in a buffer zone. The following buffer zone widths shall be required:

| | |
|---|---|
| Forest communities: | 75 feet |
| Shrub communities: | 100 feet |
| Herbaceous communities: | 150 feet |

(1) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, **shrub**, or **herbaceous**.

(2) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community for purposes of the Management Plan.

(3) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(4) An herbaceous vegetation community is characterized by the presence of **herbs**, including grass and grasslike plants, **forbs**, ferns, and non-woody vines.

B. The following streams, identified by the Environmental Protection Agency in 2019 as priority cold water refuge fish habitat streams: Sandy River, Wind River, Little White Salmon, White Salmon, Hood River, Klickitat River, and Deschutes River: 200 feet.

C. Streams used by **anadromous** or resident fish (**tributary fish habitat**), **special streams**, intermittent **streams** that include year-round pools, and perennial **streams**: 100 feet.

D. **Intermittent streams**, provided they are not used by anadromous or resident fish: 50 feet.

3. Except as otherwise allowed, water resources buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

4. The project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation. The local government may verify the accuracy of, and render adjustments to, an ordinary high watermark or normal pool delineation. If the adjusted boundary delineation is contested by the project

applicant, the local government shall obtain professional services to render a final delineation, at the project applicant's expense.

## Public Interest Test

1. The following factors shall be considered when determining if a proposed use is in the public interest:

    A. The extent of public need for the proposed use. For uses in wetlands, public need is limited to uses necessary to alleviate a current public safety issue supported by evidence establishing the safety issue.

    B. The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

    C. The functions and size of the water resource that may be affected.

    D. The economic value of the proposed use to the general area.

    E. The ecological value of the water resource and probable effect on public health and safety, fish, plants, and wildlife.

## Wetlands Compensation Plans

1. Wetlands compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. A written plan addressing the guidelines in this section is also required for voluntary enhancement projects. All wetlands compensation plans must be approved by the local government, after consultation with federal and state agencies with jurisdiction over wetlands. They shall satisfy the following guidelines and any others required by federal and state agencies:

    A. Wetlands compensation plans shall be prepared by a qualified professional hired by the project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

    B. Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

    C. Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

D. Compensation plans shall provide plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

(1) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

(2) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(3) Water quality parameters, water source, water depths, water control structures, and water level maintenance practices needed to achieve the necessary hydrologic conditions.

E. A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

F. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

## Water Resources Mitigation Plans

1. Mitigation plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake, or buffer zone. A written plan addressing the guidelines in this section is also required for voluntary enhancement projects. Plans shall satisfy the following guidelines and any others required by federal and state agencies:

A. Mitigation plans are the responsibility of the project applicant; they shall be prepared by qualified professionals.

B. All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, or buffer zone. The assessment shall include hydrology, flora, and fauna.

C. Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

(1) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

(2) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(3) Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

D. A minimum 3-year monitoring, maintenance, and replacement program shall be included in all mitigation plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this guideline. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

E. A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a mitigation plan.

# WILDLIFE HABITAT

## GMA Goals: Wildlife Habitat

1. Ensure that new uses do not adversely affect Priority Habitats or sensitive wildlife sites.

2. Enhance wildlife habitat that has been altered by past uses.

## GMA Objectives: Wildlife Habitat

1. Use regulations to avoid adverse effects of development and land use within and near Priority Habitats or sensitive wildlife sites.

2. Update wildlife data as new areas and sites are discovered and federal or state wildlife lists are revised. The Gorge Commission will obtain updated spatial data from Oregon, Washington, and federal agencies on a regular basis or upon availability. The Gorge Commission will work with these agencies for permissions to share the data with counties implementing the Management Plan.

3. Promote public programs that offer incentives for landowners to protect and enhance wildlife habitat. The Gorge Commission shall inform landowners whose property contains a Priority Habitat or sensitive wildlife site. It shall inform landowners about the rationale for regulating new uses near sensitive wildlife sites , including cultivation, and provide relevant information about funding opportunities and technical assistance to improve sensitive wildlife sites.

## GMA Policies: Wildlife Habitat

1. For the Management Plan

    A. Priority Habitats are identified by the Forest Service, Oregon Department of Fish and Wildlife, and Washington Department of Fish and Wildlife. The agencies revise their priority habitats from time to time. The list of priority habitats as of the date of adoption of this Plan is listed in Table 1).

    B. Sensitive Wildlife Sites are the locations used by species identified in Policy C.1 below for nesting, roosting, denning, and other life cycle needs..

    C. "Rare wildlife species" includes species that are;

        (1) Listed as endangered or threatened pursuant to federal or state endangered species acts; or

(2) Listed as endangered, threatened, sensitive, or candidate by the Washington Fish and Wildlife Commission;

(3) Listed as sensitive by the Oregon Fish and Wildlife Commission; or

(4) Considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

D. Updated lists of species included in (1), (2), and (3) above can be found on the websites for the Washington Department of Fish and Wildlife and the Oregon Department of Fish and Wildlife. The Forest Service and Gorge Commission also maintain updated lists.

2. Newly discovered wildlife sites and wildlife species that are added to federal or state wildlife lists shall be protected.

3. To help ensure that wildlife species are not disturbed, wildlife data shall be kept confidential.

4. Habitat areas of animal species that are classified as endangered, threatened, or sensitive by federal or state endangered species acts may be designated Open Space.

5. New dwellings, fences, and land divisions shall be limited in deer and elk winter range.

6. New and replacement fences in the National Scenic Area, including deer and elk winter range should be constructed so they do not present a major hazard to wildlife.

7. On lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that include deer and elk winter range, new parcels shall be 40 acres or larger in the west end of the National Scenic Area and 80 acres or larger in the east end of the National Scenic Area. In Oregon, the division between the west and east end of the National Scenic Area is the Hood River. In Washington, the line of division is the White Salmon River.

8. Proposed uses that would adversely affect Priority Habitats or sensitive wildlife sites shall be prohibited.

9. Adequate buffer zones shall be maintained to protect Priority Habitats and sensitive wildlife sites from new uses. The width of wildlife buffer zones shall be determined on a case-by-case basis and shall reflect the biology of the affected species and the characteristics of the project site and the proposed use.

10. The size, scope, configuration, density, and timing of new uses within wildlife buffer zones shall be regulated to protect the rare wildlife species.

11. Site-specific management plans shall be required before most new uses will be allowed within wildlife buffer zones.

12. Rehabilitation or enhancement shall be required to offset unavoidable impacts to wildlife habitat that result from new uses.

# GMA Guidelines: Wildlife Habitat

## Review Uses

1. Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a Priority Habitat or sensitive wildlife site, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites" in this section.
2. Proposed uses within 1,000 feet of a Priority Habitat or sensitive wildlife site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

## Site Plans and Field Surveys for Review Uses Near Priority Habitats and Sensitive Wildlife Sites

1. In addition to the information required in all site plans, uses within 1,000 feet of a Priority Habitat or sensitive wildlife site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

2. A field survey to identify Priority Habitat or sensitive wildlife sites shall be required for:

    A. Land divisions that create four or more parcels,

    B. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities,

    C. Public transportation facilities that are outside improved rights-of-way,

    D. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater, and

    E. 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.

3. Field surveys shall cover all areas affected by the proposed use or recreation development. They shall be conducted by a professional wildlife biologist hired by the project applicant. All Priority Habitat and sensitive wildlife sites discovered in a project area shall be described and shown on the site plan map.

## Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites

1. Uses that are proposed within 1,000 feet of a Priority Habitat or sensitive wildlife site shall be reviewed by the Oregon Department of Fish and Wildlife or the Washington Department of Fish and Wildlife. The approximate locations of sensitive wildlife sites are maintained by the Gorge Commission, Forest Service, and state wildlife agencies. State wildlife biologists will help determine if a new use would adversely affect a Priority Habitat or sensitive wildlife site.

2. Oregon white oak shall not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan shall be required. This criteria shall not apply to forest practices that are otherwise allowed and that do not violate conditions of approval for other approved uses.

3. The local government shall submit site plans to the Oregon Department of Fish and Wildlife or Washington Department of Fish and Wildlife. State wildlife biologists shall review the site plan and their field survey records. They shall identify/verify the precise location of the Priority Habitat or sensitive wildlife site, (2) ascertain whether the sensitive wildlife or site is active or abandoned, and (3) determine if the proposed use may compromise the integrity of the wildlife habitat or site or occur during the time of year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to verify wildlife data and assess the potential effects of a proposed use.

4. The following factors may be considered when site plans are reviewed:

   A. Biology of the affected wildlife species.

   B. Published guidelines regarding the protection and management of the affected wildlife species. For example, the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron, and the Washington Department of Fish and Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, Oregon white oak, and the Larch Mountain salamander.

   C. Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

   D. Historic, current, and proposed uses in the vicinity of the Priority Habitat or sensitive wildlife site.

E. Existing condition of the Priority Habitat or sensitive wildlife -site and the surrounding habitat.

5. The wildlife protection process may terminate if the local government, in consultation with the state wildlife agency, determines (1) the sensitive wildlife site is not active, or (2) the proposed use would not compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of year when wildlife species are sensitive to disturbance.

6. If the local government, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the Priority Habitat or sensitive wildlife site that could be eliminated through measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the project applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife protection process may conclude.

7. The project applicant shall prepare a wildlife mitigation plan if the local government, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a Priority Habitat or sensitive wildlife site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

8. The local government shall submit a copy of all field surveys and wildlife-mitigation plans to the Oregon Department of Fish and Wildlife or Washington Department of Fish and Wildlife. The state wildlife agency will have 30 days from the date that a field survey or management plan is mailed to submit written comments to the local government.

9. The local government shall record and address any written comments submitted by the state wildlife agency in its development review order.

10. Based on the comments from the state wildlife agency, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the local government shall justify how it reached an opposing conclusion.

11. The local government shall require the project applicant to revise the wildlife-mitigation plan as necessary to ensure that the proposed use would not adversely affect a Priority Habitat or sensitive wildlife site.

12. If a local government discovers a new protected wildlife location during the review process, the local government shall submit this information to the appropriate state agency to be updated in their species databases.

## Wildlife Mitigation Plans

1. Wildlife Mitigation plans shall be prepared when a proposed use is likely to adversely affect a Priority Habitat or sensitive wildlife site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects Priority Habitats and sensitive wildlife sites, maximizes their development options, mitigates temporary impacts to the sensitive wildlife site or buffer zone, and offsets unavoidable negative impacts to Priority Habitats and sensitive wildlife sites.

2. Wildlife Mitigation plans shall comply with the following guidelines:

   A. Wildlife Mitigation plans shall be prepared by a professional wildlife biologist hired by the project applicant.

   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 habitat value of the wildlife site.

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

   D. A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

   E. The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect the rare wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of year when wildlife species are sensitive to disturbance. The following guidelines shall apply:

      (1) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures

      (2) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects

on the wildlife buffer zone and rehabilitation or enhancement will be completed before a particular species returns.

F. Rehabilitation or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve no net loss of the integrity of the wildlife area or site. Rehabilitation and enhancement actions shall be documented in the wildlife mitigation plan and shall include a map and text.

G. The project applicant shall prepare and implement a 3-year monitoring plan when the affected Priority Habitat or sensitive wildlife site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. At a minimum, the project applicant shall prepare an annual report and shall track the status of the Priority Habitat or sensitive wildlife site and the success of rehabilitation or enhancement actions.

H. At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the wildlife mitigation plan guidelines.

## Approval Criteria for Fences in Deer and Elk Winter Range

New fences in deer and elk winter range shall comply with the following guidelines:

1. New fences in deer and elk winter range may be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

2. New and replacement fences that are allowed in winter range shall comply with the guidelines in the Forest Service document, *Specifications for Structural Range Improvements* (Sanderson et al. 1990), as summarized below and may be revised from time to time, unless the project applicant demonstrates the need for an alternative design. To allow deer and other wildlife safe passage:

   A. The top wire shall not be more than 42 inches high.

   B. A gap of at least 10 inches shall be maintained between the top two wires.

   C. The bottom wire shall be at least 16 inches above the ground. It shall consist of smooth wire.

D. Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross.

3. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet their specific and immediate needs, such as controlling hogs and sheep.

# RARE PLANTS

## GMA Goals: Rare Plants

1. Ensure that new uses do not adversely affect rare plant species and ecosystems.

2. Encourage the protection of plant species that are classified as "List 3 (Review)" or "List 4 (Watch)" by the Oregon Biodiversity Information Center or "Monitor" by the Washington Natural Heritage Program.

3. Enhance the natural habitats of rare plant species.

## GMA Objectives: Rare Plants

1. Use regulations to avoid adverse effects of development and land use within and near rare plant species and ecosystems.

2. Update rare plant species data as new plant sites are discovered and federal or state rare plant lists are revised. The Gorge Commission will obtain updated data from each state when it becomes available, ensure that landowner survey information is reported to the responsible agency, and support additional survey efforts.

3. Promote public programs that offer incentives for landowners to protect and enhance rare plants. The Gorge Commission shall inform landowners whose property contains rare-plant species. It shall inform landowners about the values of rare plants and the rationale for regulating new uses near rare plant sites, including cultivation.

## GMA Policies: Rare Plants

1. For the Management Plan, **rare plants** are:

    A. Endemic to the Columbia River Gorge and vicinity. Table 2 lists the endemic plants as of the date of adoption of this Management Plan revision, which the Gorge Commission developed in consultation with the Oregon Biodiversity Information Center and Washington Natural Heritage Program.

    B. Listed as endangered or threatened pursuant to federal or state endangered species acts, or

    C. Designated global or state status ranks 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program. This includes designated native plant communities.

D. Updated lists of plant species and ecosystems included in (B) and (C) above can be found on the websites for the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The Forest Service and the Gorge Commission also maintain updated lists.

2. Newly discovered rare plant sites and plant species that are added to federal or state rare plant lists shall be protected. Species that are deleted from federal or state rare plant lists will not require further protection.

3. Rare plant species data shall be used to identify possible conflicts between proposed uses and rare plant sites. Project applicants should consult the local government early in the planning process to help determine if rare plants exist in the project area.

4. When new uses are proposed near a rare plant site that appears in rare plant species data, the field survey records shall be used to determine the precise location of the plant population in relation to the proposed use. If the field survey records are inadequate, a field survey shall be conducted to delineate the boundaries of the rare plant population.

5. Rare Plant Buffer Zones shall be used to ensure that new uses do not adversely affect rare plant species.

6. Except for uses allowed outright, new uses shall be prohibited within rare plant sites and buffer zones.

7. Landowners and agency officials shall be encouraged to avoid siting new uses on lands containing plant species listed as "Review," "Watch," or "Monitor" by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

# GMA Guidelines: Rare Plants

## Review Uses

1. Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a rare plant, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses Near Rare Plants" in this section.

2. Proposed uses within 1,000 feet of a sensitive plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

## Site Plans and Field Surveys for Review Uses Near ~~Rare~~ Plants

1. In addition to the information required in all site plans, site plans for uses within 1,000 feet of a rare plant site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

2. A field survey to identify rare plants shall be required for

    A. Land divisions that create four or more parcels;

    B. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities;

    C. Public transportation facilities that are outside improved rights-of-way;

    D. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

    E. 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.

3. 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 rare plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map and kept confidential by the local government as required by state law.

## Approval Criteria for Review Uses Near Rare Plants

1. Uses that are proposed within 1,000 feet of a rare plant shall be reviewed by the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The approximate locations of rare plants are shown in rare plant species data. State heritage staffs will help determine if a new use would invade the buffer zone of rare plants.

2. The local government shall submit site plans to the state heritage program. The state heritage staffs will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.

3. If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

4. The rare plant protection process may conclude if the local government, in consultation with the state heritage program, determines that the proposed use would be located outside of a rare plant buffer zone.

5. New uses shall be prohibited within rare plant buffer zones, except for those uses that are allowed outright.

6. If a proposed use must be allowed within a rare plant buffer zone in accordance with the provisions in "Variances for Setbacks and Buffers" in Part II, Chapter 7: General Policies and Guidelines, the project applicant shall prepare a protection and rehabilitation plan that complies with the guidelines in "-Rare Plant Mitigation Plans " in this section.

7. The local government shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The state heritage program will have 20 days from the date that a field survey is mailed to submit written comments to the local government.

8. The local government shall record and address any written comments submitted by the state heritage program in its development review order.

9. Based on the comments from the state heritage program, the local government will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the local government shall justify how it reached an opposing conclusion.

## Rare Plant Buffer Zones

1. A 200-foot buffer zone shall be maintained around rare plants. Buffer zones shall remain in an undisturbed, natural condition.

2. Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, manmade features, or natural plant habitat boundaries negate the need for a 200-foot radius. Under no circumstances shall the buffer zone be less than 25 feet.

3. Requests to reduce buffer zones shall be considered if a professional botanist or plant ecologist hired by the project applicant (1) identifies the precise location of the rare plants, (2) describes the biology of the rare plants, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival. All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

4. The local government shall submit all requests to reduce rare plant buffer zones to the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The state heritage program will have 20 days from the date that such a request is mailed to submit written comments to the local government.

5. The local government shall record and address any written comments submitted by the state heritage program in its development review order.

6. Based on the comments from the state heritage program, the local government will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the state heritage program, the local government shall justify how it reached an opposing conclusion.

## Rare Plant Mitigation Plans

1. Rare Plant Mitigation Plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a rare plant buffer zone as the result of a variance.

2. Rare Plant Mitigation Plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.

3. Construction, protection, and rehabilitation activities shall occur during the time of year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.

4. Rare plants that will be altered shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

5. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.

6. Rare plants and their surrounding habitat that will not be altered shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control.

7. Habitat of a rare plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

8. Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

9. Rare Plant Mitigation Plans shall include maps, photographs, and text. The text shall:

    a. Describe the biology of rare plant species that will be affected by a proposed use.

    b. Explain the techniques that will be used to protect rare plants and their surrounding habitat that will not be altered

    c. Describe the mitigation actions that will minimize and offset the impacts that will result from a proposed use.

    d. Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the local government an annual report that documents milestones, successes, problems, and contingency actions.

## GMA/SMA: Practicable Alternative Test

1. An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

2. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

    A. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife areas and sites, or plant areas and sites.

    B. The basic purpose of the use cannot be accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife areas and sites, or plant areas and sites.

    C. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

# SMA PROVISIONS

# WATER RESOURCES (WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS)

## SMA Goal: Water Resources

1. Protect and enhance the quantity and quality of water resources and their functions.

## SMA Policies: Water Resources

1. All wetlands, regardless of their size or functions, warrant protection from new uses that may alter wetlands functions.

2. The National Wetlands Inventory (U.S. Department of the Interior 1987) and the list of hydric soils shall be used as a general guide to the location of wetlands; additional wetlands are assumed to exist and shall be protected.

3. The exact location of wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987 Corps of Engineers Wetland Delineation Manual, on-line edition) and applicable Regional Supplements.

4. An undisturbed buffer should be preserved around wetlands, streams, ponds, and lakes to protect and enhance their functions and associated uplands.

5. Uses that may impact wetland, streams, ponds, lakes, and riparian areas acreage and functions, water quality, natural drainage, or wildlife habitat may be allowed in 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.

6. A project applicant shall minimize and offset unavoidable impacts to aquatic areas and their buffer zones that result from their actions by rehabilitating or enhancing aquatic and riparian areas or by restoring, creating, and enhancing wetlands.

7. When uses are authorized in degraded aquatic and riparian areas, rehabilitation shall return the project area to its natural condition to the maximum extent practicable.

8. Project proposals affecting wetlands shall be coordinated with federal and state agencies that regulate new uses in wetlands.

9. Enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts comply with the wetlands, streams, ponds, lakes, and riparian areas provisions in the Management

Plan. Enhancement efforts shall be conducted pursuant to a written plan, consistent with the guidelines described in this section.

10. All mitigation plans must be approved by the local government, after consultation with federal and state agencies with jurisdiction over wetlands.

11. Partnerships with public agencies, conservation groups, and individuals are encouraged to increase public awareness, understanding, and stewardship of natural resources.

12. The Special Management Area water resource buffer widths shall be applied to National Forest System lands in the General Management Area.

13. Proposed uses that would adversely affect water resources (wetlands, streams, ponds, lakes, and riparian areas) shall be prohibited.

# WILDLIFE AND PLANTS

## SMA Goals: Wildlife and Plants

1. Protect (ensure that new uses do not adversely affect, including cumulative effects) and enhance the wildlife and plant diversity of the Gorge.

2. Encourage the protection of plant species that are classified as "List 3 (Review)" or "List 4 (Watch)" by the Oregon Biodiversity Information Center or "Monitor" by the Washington Natural Heritage Program.

3. Ensure that new uses do not adversely affect Natural Areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program.

## SMA Policies: Wildlife and Plants

1. Natural resources existing on a site proposed for a new development or land use, or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts, shall be protected from adverse effects.

2. Significant ecosystems such as Natural Areas, wetlands, ponds, lakes, riparian areas, old growth forests, islands, and areas of special importance such as botanical areas, sensitive wildlife sites, priority habitats, fishery habitats, and oak woodlands shall be protected from adverse effects.

3. Existing habitat quality, viable populations, and long-term productivity of natural resources and ecosystem diversity shall be maintained.

4. County, state, and federal regulations for air and water quality and for pesticide use shall be followed.

5. Newly discovered rare wildlife and rare plant species, areas and sites that are added to federal or state wildlife and plant lists shall be protected. Species that are deleted from federal or state wildlife and plant lists will not require further protection. Updated lists of rare wildlife and rare plant species can be found on websites for the Washington Department of Fish and Wildlife, the Wildlife Division of Oregon Department of Fish and Wildlife, the Oregon Biodiversity Information Center, or Washington Natural Heritage Program. A list also is maintained by the Forest Service and available at the Gorge Commission office and on its website.

6. To help ensure that rare wildlife and rare plant species are not disturbed, wildlife and plant data shall be kept confidential.

7. Habitat areas of animal species that are classified as endangered or threatened by federal or state endangered species acts or the relevant state wildlife commission may be designated Open Space; the guidelines in this chapter shall be used to protect other rare wildlife areas and sites.

8. Proposed uses that would adversely affect rare wildlife or rare plant areas or sites shall be prohibited. Uses adversely affect rare wildlife or rare plant sites and areas when they compromise the integrity of an area or site, or occur during a time of the year when affected wildlife or plant species are sensitive to disturbance.

9. Adequate buffer zones shall be maintained for rare wildlife and rare plant areas or sites from new uses. The width of wildlife buffer zones shall be determined on a case-by-case basis and shall reflect the biology of the affected species and the characteristics of the project site and the proposed use. The width of the rare plant buffer zone shall be 200 ft.

10. The size, scope, configuration, density, and timing of new uses within wildlife or plant buffer zones shall be regulated to protect rare species.

11. Site-specific plans shall be required before most new uses will be allowed within wildlife and plant buffer zones.

12. Rehabilitation or enhancement shall be required to offset unavoidable impacts to wildlife and plant habitats that result from new uses.

13. Natural Areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program shall be designated as Open Space in the SMAs.

14. Partnerships with public agencies, conservation groups, and individuals are encouraged to increase public awareness, understanding, and stewardship of natural resources.

15. Air quality shall be protected and enhanced, consistent with the purposes of the National Scenic Area Act. The states of Oregon and Washington and the Forest Service shall:

    A. Continue to monitor air pollution and visibility levels in the Gorge;

    B. Conduct an analysis of monitoring and emissions data to identify all sources, both inside and outside the National Scenic Area, that significantly contribute to air pollution. Based on this analysis, the states of Oregon and Washington shall develop and implement a regional air quality strategy to carry out the purposes of the National Scenic Area Act, with the Forest Service, the Southwest Air Pollution Control Authority and in consultation with affected stakeholders.

    The states of Oregon and Washington and the Forest Service shall together provide annual reports to the Gorge Commission on progress made regarding implementation of this policy. The first report shall include a workplan and timeline for gathering/analyzing data and developing and implementing the strategy. The workplan and strategy shall be submitted to the Gorge Commission for approval.

# SMA Guidelines: Water Resources / Wildlife and Plants

1. All new development and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or development. Comments from state and federal agencies shall be carefully considered. (Site plans are described under "Review Uses" in Part II, Chapter 7: General Policies and Guidelines.)

2. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)

   A. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in 2.A.(2)(a) and 2(b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.

      (1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

      (2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

         (a) A minimum 200-foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

         (b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

         (c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

            (i) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

            (ii) The wetland is not critical habitat.

(iii) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(3) The buffer width shall be increased for the following:

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zone is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist) hired by the project applicant (1) identifies the precise location of the rare wildlife/plant or water resource, (2) describes the biology of the rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long-term function.

(6) The local government shall submit all requests to re-configure rare wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the local government will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

B. When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

C. The applicant shall be responsible for identifying all water resources and their appropriate buffers (see above).

D. Wetlands Boundaries shall be delineated using the following:

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

(2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(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 'Corps of Engineers Wetland Delineation Manual-(on-line edition)' and applicable Regional Supplements.

(4) All **wetlands** delineations shall be conducted by a professional who has been trained to use the federal delineation procedures.

E. Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.

F. The local government may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the local government shall obtain professional services, at the project applicant's expense, or the local government will ask for technical assistance from the Forest Service to render a final delineation.

G. Buffer zones shall be undisturbed unless the following criteria have been satisfied:

H. The proposed use must have no practicable alternative as determined by the practicable alternative test.

(1) Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas or their buffer zone.

(2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

(a) A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, and

(b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and

(c) The proposed project minimizes the impacts to the wetland.

(3) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a SMA mitigation plan.

I. Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

3. Wildlife and Plants

A. Protection of wildlife/plant areas and sites shall begin when proposed new development or uses are within 1000 feet of a rare wildlife and plant area or site. Rare wildlife areas are those areas depicted in wildlife data, including all sensitive wildlife sites and Priority Habitats listed in this Chapter. The approximate locations of rare wildlife and rare plant areas and sites are shown in wildlife and rare plant data.

B. The local government shall submit site plans (of uses that are proposed within 1,000 feet of a rare wildlife and rare plant area or site) for review to the Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife or the Washington Department of Wildlife for wildlife issues and by the Oregon Biodiversity Information Center or Washington Natural Heritage Program for plant issues).

C. The Forest Service wildlife biologists and botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife and plant area or site,

(2) Determine if a field survey will be required,

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse effects (including cumulative effects) to the wildlife and plant area or site. This would include considering the time of year when wildlife and plant species are sensitive to disturbance, such as nesting and rearing seasons, or flowering season, and,

(4) Delineate the undisturbed 200-ft buffer on the site plan for rare plants and the appropriate buffer for rare wildlife areas or sites, including nesting, roosting, and perching sites.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the rare wildlife/plant or water resource, describes the biology of the rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or to the water resource and its long-term function.

(c) The local government shall submit all requests to re-configure rare wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the local government will make a final decision on whether the reduced buffer zone is justified. If

the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

D. The local government, in consultation with the state and federal wildlife biologists and botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed development or uses do not compromise the integrity and function of or result in adverse effects to the wildlife and plant area or site:

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry management guidelines for osprey and great blue heron; Washington Department of Wildlife guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander.

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the rare wildlife/plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat of the area or site.

(5) In areas of winter range, habitat components, such as forage and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with 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 2008 or most recent version) and -Washington's Aquatic Habitat Guidelines (2002 or most recent version).

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(8) The site plan illustrates that new development and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(9) Maintain, protect, and enhance the integrity and function of Priority Habitats as listed on the following Priority Habitats Table 1. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

E. The wildlife/plant protection process may terminate if the local government, in consultation with the Forest Service and state wildlife agency or heritage program, determines (1) the rare wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

F. If the above measures fail to eliminate the adverse effects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.

G. The local government shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The local government shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order.

H. Based on the comments from the state and federal wildlife agency/heritage program, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

I. The local government shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a rare wildlife/plant area or site.

4. Soil Productivity

A. Soil productivity shall be protected using the following guidelines:

(1) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

(2) New developments and land uses shall control all soil movement within the area shown on the site plan.

(3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

(4) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

## GMA/SMA: Practicable Alternative Test

1. An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

2. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

   A. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, and wildlife and plant areas or sites.

   B. The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, and wildlife and plant areas or sites.

   C. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

## SMA Mitigation Plans

1. Mitigation Plans shall be prepared when:

   A. The proposed development or use is within a buffer zone (wetlands, ponds, lakes, riparian areas, and wildlife and plant areas or sites).

   B. There is no practicable alternative (see the “practicable alternative” test).

2. In all cases, mitigation plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

3. The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects the identified water resources and rare wildlife/plant areas and sites, that maximizes their development options, and that mitigates, through restoration, enhancement, creation and replacement measures, impacts to the water resources and wildlife and plant area or site and buffer zones.

4. The applicant shall submit the mitigation plan to the local government. The local government shall submit a copy of the mitigation plan to the Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

5. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.

6. Mitigation plans shall include maps, photographs, and text. The text shall:

    A. Describe the biology and function of the protected resources (e.g. wildlife/plant species or wetland) that will be affected by a proposed use. An ecological assessment of the protected resource and the condition of the resource that will result after restoration shall be required. Reference published protection and management guidelines.

    B. Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the protected resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.

    C. Explain the techniques that will be used to protect the protected resources and their surrounding habitat that will not be altered (for example, delineation of core habitat of the rare wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).

    D. Show how restoration, enhancement, and creation measures will be applied to ensure that the proposed use results in minimum feasible impacts to protected resources, their buffer zones, and associated habitats.

    E. Show how the proposed restoration, enhancement, or creation mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a protected resource, and only if this is not possible should

restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the local government, appropriate state agencies, and Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

7. At a minimum, a project applicant shall provide to the local government a progress report every 3 years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

8. A final monitoring report shall be submitted to the local government for review upon completion of the restoration, enhancement, created or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any rare wildlife/plant species and shall demonstrate the success of restoration or enhancement actions. The local government shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the local government in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

9. Mitigation measures to offset impacts to resources and buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:

    A. Restoration and enhancement efforts shall be completed no later than one year after the protected resource or buffer zone has been altered, or as soon thereafter as is practicable.

    B. All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation shall survive. All plantings shall be with native plant species that replicate the original vegetation community.

    C. Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.

    D. If this standard is not feasible or practical because of technical constraints, a protected resource of equal or greater benefit may be substituted, provided that no net loss of protected resource functions occurs and provided the local government, in consultation with the appropriate state and federal agency, determine that such substitution is justified.

E. Rare plants that will be altered shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.

F. Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(1) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(2) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as demonstrated by the “Practicable Alternative Test.”

(3) Fish passage shall be protected from obstruction.

(4) Restoration of fish passage should occur wherever possible.

(5) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(6) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.

(7) Those portions of a proposed use that are not water-dependent or that have a practicable alternative shall be located outside of stream, pond, and lake buffer zones.

(8) Streambank and shoreline stability shall be maintained or restored with natural vegetation.

(9) The size of restored, enhanced, and created wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.

**Restoration**: 2: 1
**Creation**: 3: 1
**Enhancement**: 4: 1

G. Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the local government to ensure compliance. The Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the local government to help evaluate such reports and any subsequent activities associated with compliance.

H. Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land trust with explicit instructions that those funds are to be used specifically to purchase protection easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in Guideline 9.F.(9). These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.

# Table 1 - Priority Habitat

| Priority Habitats | Criteria |
|---|---|
| Aspen stands | High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration. |
| Caves | Significant wildlife breeding habitat, limited availability, dependent species. |
| Old-growth forest | High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability. |
| Oregon white oak woodlands | Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability. |
| Prairies and steppe | Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability. |
| Riparian | High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species. |
| Wetlands | High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability. |
| Snags and logs | High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species. |
| Talus | Limited availability, unique and dependent species, high vulnerability. |
| Cliffs | Significant breeding habitat, limited availability, dependent species. |

| | |
|---|---|
| Dunes | Unique species habitat, limited availability, high vulnerability, dependent species. |
| Winter Range | Provides important wintering habitat for deer and elk. |

*Priority Habitats are defined by the Forest Service and state wildlife agencies through State Wildlife Action Plan efforts.*

# Table 2 - Columbia Gorge and Vicinity Endemic Plant Species

| Common Name | Scientific Name |
|---|---|
| Howell's bentgrass | *Agrostis howellii* |
| | |
| Hood River milk-vetch | *Astragalus hoodianus* |
| | |
| Smooth-leaf douglasia | *Douglasia laevigata* var. *laevigata* |
| Howell's daisy | *Erigeron howellii* |
| Columbia Gorge daisy | *Erigeron oreganus* |
| Klickitat biscuitroot*** | *Lomatium klickitatense* |
| Long-beard hawkweed | *Hieracium longiberbe* |
| Smooth desert parsley | *Lomatium laevigatum* |
| Suksdorf's desert parsley | *Lomatium suksdorfii* |
| | |
| Barrett's penstemon | *Penstemon barrettiae* |
| | |
| Obscure buttercup | *Ranunculus reconditus* |
| Oregon sullivantia | *Sullivantia oregana* |
| Columbia kittentails | *Synthyris stellate* |

CHAPTER

# 4

# Recreation Resources

The Columbia River Gorge has connected people to recreation opportunities for decades. Its magnificent panoramas, waterfalls, and rock formations have awed sightseers in large numbers since the construction of the Historic Columbia River Highway. Opportunities for fishing, hiking, sailing and other outdoor activities abound. Recently, the Gorge has become a worldwide destination for a variety of recreation activities. These have expanded to include newer activities such as windsports, rafting and cycling.

## NATIONAL SCENIC AREA ACT PROVISIONS

The importance of recreation to the Gorge is reflected in a number of mandates and provisions of the National Scenic Area Act. Included in the first purpose of the Act is a directive to protect and enhance the recreation resources of the Columbia River Gorge [Section 3(1)].

The Gorge Commission was directed to assess recreation resources and opportunities for enhancement of these resources, as part of the inventory process. Section 6(a)(3) of the Act calls for completion of a "recreation assessment," which specifically directs the Gorge Commission to identify areas suitable for public use facilities and, subject to the treaty and other rights of Indian tribes, designate areas to provide increased access to the Columbia River and its tributaries for recreation purposes. In addition to the recreation assessment, the Gorge Commission is directed to "protect and enhance open spaces" [Section 6(d)(3)], which include "potential and existing recreation resources" and "Federal and State wild, scenic and recreation waterways" [Section 2(l)].

Several other important provisions of the National Scenic Area Act highlight the unique role of recreation in the National Scenic Area. Section 6(d)(3) specifies that the Gorge Commission and Forest Service may allow the conversion of forest or agricultural land to recreation development. Recreation is the only type of new development for which such conversions are allowed.

The Act further encouraged new recreation development by authorizing the expenditure of $10 million to support the construction of recreation facilities. These became the Columbia Gorge Discovery Center and Skamania Lodge. An additional $2.8 million was authorized for the restoration and reconstruction of the Historic Columbia River Highway for public recreational use.

## KEY ISSUES

Perhaps more than any other part of the National Scenic Area Act, the recreation mandates pose a number of unique and formidable challenges.

The scenic beauty, numerous recreation opportunities and proximity to the Portland/Vancouver metropolitan area and communities within the Gorge make the Columbia River Gorge National Scenic Area of the most visited landscapes in the Pacific Northwest. In addition, the Gorge has now become a popular national and international tourist destination.

This increase in visitor use has resulted in demand for more recreation opportunities. Sightseeing and hiking in particular are exceeding available supply. Demand for additional facilities has the potential to affect adjacent private land and natural, scenic and cultural resources.

Growing demand has resulted in an increase in unauthorized trail development particularly in areas that have been acquired by public land management agencies over the last 20 years. Congestion and overflowing parking lots have also significantly increased and have resulted in public safety issues on State Highways and County roads.

Recreation use has also stretched some local emergency services agencies ability to respond to emergency medical incidents and search and rescues.

Another issue involves potential conflicts between Native American fishing activities, reserved tribal treaty rights, and river-oriented recreation, particularly windsports. The explosive growth of windsports, particularly in the central Gorge, has resulted in heavily concentrated use on some stretches of the river and substantial pressures to develop additional access points and expansion of existing sites. The Act requires that tribal treaty rights not be affected by the provisions of the Act or Management Plan.

In addressing these challenges the Gorge Commission and Forest Service must also protect the rural character of Gorge landscapes. It is crucial that the provision of new facilities for resource-based recreation does not degrade the very resources and scenic settings that attract recreationists to the National Scenic Area.

Another important consideration is maintaining the quality of life for the National Scenic Area residents while and meeting the Act's recreation mandates. These provisions have helped frame and support the important partnerships between federal, state, local and private recreation managers.

## OVERVIEW OF RECREATION RESOURCES PROVISIONS

The Management Plan provides the following:

- Overall recreation goals, objectives, and policies (this chapter).
- Recreation Intensity Classes, (RICs), with specific guidelines and criteria addressing new public and commercial recreation development (this chapter).
- Public and Commercial Recreation land use designations

(Part II, Chapter 6).

These various elements reflect the recreation assessment mandates specified in Section 6 of the Act.

The goals, objectives, policies, and guidelines of this chapter provide a framework for guiding the actions of the various public and private recreation providers in the National Scenic Area, as well as those agencies whose programs either affect or are affected by recreation uses.

Such entities include local, state, and federal planning and park agencies, as well as private and nonprofit groups.

This chapter is divided into the following sections:

GMA Provisions: Overall Goals, Objectives and Policies

- Protection of Resources
- Scenic Appreciation and Scenic Travel Corridors
- Resource-Based Recreation
- River Access and Protection of Treaty Rights
- Interpretation/Education
- Trails and Pathways
- Transportation
- Coordination

GMA Provisions: Recreation Intensity Classes

SMA Provisions: Overall Goal, Policies and Guidelines

SMA Provisions: Recreation Intensity Classes

# GMA PROVISIONS: OVERALL GOALS, OBJECTIVES, AND POLICIES

## PROTECTION OF RESOURCES

### ***GMA Goals***

1. Protect and enhance recreation resources consistent with tribal treaty rights.

2. Protect scenic, natural, cultural, and recreation resources when providing new recreation opportunities.

### ***GMA Objectives***

1. Use regulations to avoid adverse effects resulting from the development of new recreation opportunities, to avoid adverse effects resulting from new development and land uses adjacent or near to existing and proposed recreation opportunities, and to ensure that recreation development is consistent with tribal treaty rights.

2. Encourage recreation facility designs that blend the facilities with their natural settings, especially designs that restore and enhance natural, cultural, or scenic resource values of a site.

3. Encourage innovative approaches to siting, design, and construction of recreation facilities that minimize their environmental impacts.

4. Encourage and support sustainable recreation management practices to protect scenic, natural, or cultural resources from recreation use.

### ***GMA Policies***

1. Recreation resources shall be protected from adverse effects from new development on adjacent lands by establishing buffers between recreation uses and new buildings on adjacent lands. Guidelines implementing this policy are contained in “Review Uses” (Part II, Chapter 7: General Policies and Guidelines).

2. The goals, objectives, policies, guidelines and all other provisions of this plan shall not affect recreation maintenance and operations activities at recreation sites that existed as of the date the Gorge Commission adopted the first Management Plan (October 15, 1991).

3. All proposed recreation uses shall comply with guidelines for protection of scenic, natural, cultural, and recreation resources.

4. Private concessions and other commercial uses at public recreation sites shall be allowed pursuant to adopted policies of the public agency owning or managing the site. If a different agency manages the site, that agency's policies shall apply, unless superseded by provisions of the owning agency's policies.

5. For commercial recreation sites and public recreation sites not owned or managed by a public park agency with adopted concession policies, the following policies shall apply:

   A. Retail sales at campgrounds shall be limited to camping supplies for overnight guests in dedicated space within the registration or central office building.

   B. Private concessions in permanent structures shall be limited to one structure per park site. Sales shall be limited to those items necessary for enjoyment and use of recreation opportunities at the site, including food and beverages and recreation equipment rental.

   C. Mobile vendors may be permitted, subject to local government approvals. Local government review shall address solid waste disposal, visual impacts of signs, traffic circulation, and safety. Such uses shall be limited to the term of the recreation season, and sales shall be limited to food and beverages and recreation equipment rental.

6. Temporary closures and restrictions of recreation sites during critical risk periods shall be supported where adverse effects on protected resources have been identified or demonstrated.

## SCENIC APPRECIATION AND SCENIC TRAVEL CORRIDORS

### ***GMA Goals***

1. Establish and support scenic appreciation opportunities throughout the National Scenic Area.

2. Promote uses along the following roads that improve their functions as recreational and scenic travel routes: Historic Columbia River Highway (all segments); Washington State Routes 14, 141, and 142; Oregon Highway 35; and Interstate 84.

### ***GMA Objectives***

1. Provide new viewpoints that highlight the outstanding scenic vistas of the Gorge, the river itself, and special scenic features.

2. Encourage recreation facilities that improve the visual quality of previously disturbed sites.

3. Emphasize recreation facility designs that provide and maintain views of the Columbia River and Gorge walls.

## ***GMA Policies***

1. Planning and management efforts for recreational uses within scenic travel corridors, such as viewpoints, pedestrian and bicycle paths, shall involve potentially affected landowners, relevant recreation agencies and organizations, fire, law enforcement and emergency service providers, tribal governments, and affected local agencies as an integral component of such efforts.

2. Provision of pedestrian and bicycle paths within scenic travel corridors shall include equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) opportunities.

# RESOURCE-BASED RECREATION

## ***GMA Goal***

Provide a diversity of resource-based recreation opportunities that are accessible to all segments of the public that emphasize the quality of the recreation experience meeting present and future needs by protecting and enhance the natural, scenic and cultural resources and support economies of local communities.

## ***GMA Objectives***

1. Provide equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) resource-based recreation opportunities.
2. Collaborate with partner agencies and stakeholders to develop management strategies and actions to protect and enhance recreation opportunities, experiences, and natural, scenic and cultural resources from overuse at popular recreation sites and trails.

3. Consider appropriate amenities and recreation management strategies that extend the use season at sites with highly variable seasonal use such as opportunities in the eastern end and the Washington side.

## ***GMA Policies***

1. The National Scenic Area recreation program shall emphasize provision of resource-based, outdoor recreation opportunities. Resource-based recreation includes those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the National Scenic Area and that do not adversely affect those resources upon which they depend. Such uses include, but

are not limited to, trail use, cycling, fishing, boating, swimming, windsports, wildlife viewing, sightseeing, picnicking, camping, and visiting interpretive facilities.

2. Recreation Intensity Classes (RICs) shall be applied to all lands. These classes identify areas potentially suitable for varying intensities of new resource-based recreation uses, and describe recreation use management tools to protect resources from use at developed sites.

3. Non-resource-based recreation facilities (such as playgrounds and community parks) included in proposed resource-based recreation sites shall be allowed if the site is predominantly dedicated to resource-based recreation. Recreation uses that are not resource-based and not part of a resource-based recreation use are addressed in Part II, Chapter 6: Recreation Designations.

4. Recreation demand shall be one of many important considerations, such as but not limited to capacity to manage the site, potential impacts to adjacent lands, and stakeholders desires/needs, in providing new facilities and high quality opportunities while protecting other resources.

## RIVER ACCESS AND CONSISTENCY WITH TRIBAL TREATY RIGHTS

### ***GMA Goal***

Improve recreational access to the Columbia River and its tributaries, where consistent with tribal treaty rights and other rights of Indian tribes. Increase access in a manner that maximizes preservation of the shoreline area and minimizes impacts to sensitive resources.

### ***GMA Objectives***

1. Provide opportunities for river-oriented, day-use recreation (such as boating, fishing, windsports, and swimming) along the shoreline of the Columbia River and its tributaries.

2. Encourage recreation facilities that provide for multiple compatible uses at riverfront recreation sites, consolidate access to the river, and place non-water -dependent facilities away from the immediate shoreline area as much as possible.

3. Use regulations to ensure that river-oriented recreation sites are developed consistent with tribal treaty rights.

### ***GMA Policies***

1. Emphasis shall be given to river-oriented, day-use recreation along the shoreline of the Columbia River and its tributaries (such as boat launches or swim beaches).

Recreation uses that are not water-dependent or water-related (such as overnight camping) shall be sited to preserve opportunities for water-dependent and water- related uses near the shore.

2. In providing additional river access, the establishment of new facilities shall be balanced with stretches of river shore emphasizing low-intensity recreation and minimal facilities. The result should be a generally natural-appearing shoreline punctuated by nodes of concentrated recreation activities and facilities.

3. Potentially affected tribal and local governments shall be consulted at the onset of all planning efforts for public-use recreation facilities in the GMA.

4. For proposed new riverfront recreation facilities the applicant shall assess the potential effects of the recreation proposal on tribal treaty rights, and shall demonstrate that the new facility is consistent with and does not affect or modify treaty or any other rights of the Indian tribes.

5. Temporary closures of river-oriented recreation sites during critical treaty fishing periods shall be considered where existing adverse effects on treaty fishing have been demonstrated.

6. Where proposed or designated in-lieu or treaty fishing access sites are near potential river recreation sites, cooperative planning and cost-sharing agreements to fund access development shall be explored.

## INTERPRETATION/EDUCATION

### ***GMA Goal***

Increase public understanding and appreciation of the human and natural resources of the National Scenic Area, both past and present, through interpretive/educational programs and facilities.

### ***GMA Objectives***

1. Increase awareness and appreciation of the great diversity of natural, cultural, scenic, and recreation resources of the National Scenic Area.

2. Increase awareness and appreciation of the interrelationships between human activities and the Gorge environment.

3. Provide a full spectrum of equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) interpretive opportunities reaching broader audiences and underserved communities.

4. Encourage the establishment of "gateway" facilities located at major entryways to the National Scenic Area. Such facilities should:

   A. Welcome and orient the visitor and provide tourist information.

   B. Offer exhibits on the features and resources in the vicinity of the facility.

   C. Encourage visitors to visit the Gorge Discovery Center near The Dalles and provide programs complementary to that facility.

   D. Encourage visitors to visit the Skamania Lodge Conference Center in Stevenson.

## ***GMA Policies***

1. Programs and measures to protect sensitive cultural and natural resources shall be required as a part of any effort to interpret such resources. Tribal consultation shall be required, and tribal comments shall be considered, for any efforts involving interpretation of Native American precontact history, postcontact history, or culture.

# TRAILS AND PATHWAYS

## ***GMA Goal***

Provide a diversity of trail opportunities in a variety of settings that meet present and future needs and protect and enhance the natural, scenic and cultural resources of the Gorge, while supporting local economies.

## ***GMA Objectives***

1. Modernize the National Scenic Area trail system to align with present and future needs. Elements that should be considered but not limited to include: recreation demand, equitable trail access, potential for congestion, connectivity to communities and adjacent trail networks, trail objectives, deferred maintenance needs, stewardship capacity, trail design, etc.

2. Provide trails linking urban areas and the Portland/Vancouver metropolitan area to recreation opportunities in the National Scenic Area.

3. Establish a loop trail around the National Scenic Area.

4. Establish walking and bicycling paths along segments of the Historic Columbia River Highway either abandoned or currently closed to regular vehicular traffic. Give high priority to restoring and reconnecting these segments to create a continuous bicycle/pedestrian

pathway through the National Scenic Area.

5. Provide safe pedestrian and bicycle passage across the three Columbia River bridges in the National Scenic Area to connect scenic travel corridors for these user groups.

6. Establish low-elevation bicycle paths or lanes along or near Interstate 84 and Washington State Route 14 through the National Scenic Area. Abandoned segments of the Historic Columbia River Highway may fulfill this objective in certain locations. Explore establishing bicycle paths or lanes or otherwise improving bicycle safety for drivable portions of the Historic Columbia River Highway.

## ***GMA Policies***

1. Trail planning and management efforts shall include affected landowners, relevant agencies, tribal governments, and trail organizations from the beginning of such efforts.

2. The Gorge Commission shall not acquire property or easements for trails without property owner consent. The Gorge Commission shall encourage other public bodies to acquire property or easements for trails through purchase or donation.

3. As an integral component of trail planning, development, and management efforts, strategies shall be developed to address trespass, noxious weeds, and public safety issues (such as fire hazard, emergency rescue, and classification systems for degree of trail difficulty). Such efforts shall include consultation with fire, law enforcement, and emergency service providers.

4. Temporary trail closures during critical fire hazard periods should be considered.

5. Shared use of trails by compatible multiple-user groups should be encouraged as much as possible where appropriate conditions exist, to maximize efficient use of trails and reduce needs for new trail construction.

6. User conflicts on trails shall be minimized through proper siting, design, maintenance, and user education.

7. Use of motorized vehicles on designated public use trails shall be prohibited, except for use by response agencies and their agents in an emergency.

8. Use levels on existing trails and projected demand for different trail uses shall be considered when planning additional trails.

9. Trail systems and new trails shall, where feasible, incorporate previously developed areas suitable for recreation use.

10. New trails and improvements to existing trails shall be equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) to the maximum

extent practicable.

11. Public needs for convenience, access, and security shall be considered when designing and siting trailheads, commensurate to its setting characteristics.

12. Potential funding sources shall be evaluated as an integral component of all trail planning efforts. Fiscal impacts to local public service providers shall be considered as part of this process, including adequacy of funding to provide for proper maintenance, emergency response, and law enforcement functions.

# TRANSPORTATION

## ***GMA Goals***

1. Provide transportation facilities that meet the needs of the traveling public and implement this plan's recreation goals and objectives while protecting scenic, natural, cultural, and recreation resources.

2. Promote alternative modes of transportation to improve safety and enjoyment of the traveling public and to help alleviate future traffic demand.

## ***GMA Objectives***

1. Encourage the provision of alternate modes of transportation to recreation destinations to reduce resource impacts and facilitate visitation by all segments of the public. Such alternate modes include, but are not limited to, shuttles, railroad, bicycles, and boat access.

2. Encourage mass transportation alternatives to important recreation facilities that offer both access to such sites and recreational experiences themselves.

3. Improve linkages between different modes of transportation at major recreation sites in the National Scenic Area.

4. Provide equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) recreation opportunities in the National Scenic Area.

## ***GMA Policies***

1. Except for sites predominantly devoted to boat access, accommodation of facilities for mass transportation shall be required for new Recreation Intensity Class 3 and 4 day-use recreation sites, and encouraged for new Recreation Intensity Class 1 and 2 day-use recreation sites, where site design manages social encounters within the applicable standard.

2. All transportation facilities or improvements associated with public recreation shall

be designed to minimize impacts to scenic, natural, cultural, and recreation resources to the maximum extent practicable.

# COORDINATION

## *GMA Goal*

Develop an outdoor recreation program that coordinates plans and actions of all relevant recreation providers and planning agencies to meet the recreation needs of National Scenic Area residents and visitors. Such coordination shall seek to avoid land use conflicts and duplication of services.

## *GMA Objectives*

1. New recreation facilities should complement existing or planned recreation facilities in an area and provide linkages between such facilities.

2. Encourage coordinated, comprehensive recreation planning on a non-jurisdictional basis for distinct subareas of the Gorge possessing similar characteristics.

3. Encourage comprehensive recreation planning that fosters a unified, regional approach and deemphasizes divisions by state, county, or other jurisdictional boundaries, while recognizing the particular needs of such jurisdictions.

## *GMA Policies*

1. Coordinated, regional approaches to solving ongoing operational and management problems (such as emergency response, law enforcement, and congestion, etc. ) shall be pursued in planning new recreation uses and for comprehensive plan updates and revisions, to the maximum extent practicable.

2. Existing or proposed recreation facilities or areas outside the National Scenic Area and inside urban areas that may affect recreation use and demand in the National Scenic Area shall be considered when evaluating recreation proposals.

3. The Gorge Commission shall work with local and state law enforcement, transportation agencies, public safety, and emergency services agencies to develop coordinated and comprehensive strategies addressing public safety and law enforcement needs associated with existing and new recreation sites. Such strategies shall consider the personnel and fiscal impacts of increased service demands.

4. Recreation providers shall consult with applicable local and state law enforcement, transportation agencies, public safety, and emergency service providers when developing proposals for new recreation sites. Law enforcement and safety

concerns associated with existing recreation sites shall be considered when developing strategies in response to new recreation development proposals.

# GMA PROVISIONS: RECREATION INTENSITY CLASSES

Four Recreation Intensity Classes, ranging from very-low-intensity to high-intensity, are applied to all lands within the National Scenic Area. They are an overlay to the underlying land use designations (see Part II) and describe the potential suitability of lands for recreation use, and the facilities and experience that users can expect during their visit. Recreation Intensity Classes do not supersede any provisions of underlying land use designations, nor do they affect recreation uses existing as of the date the Gorge Commission adopted the first Management Plan (October 15, 1991).

## ***GMA Goal***

Identify suitable levels of resource-based, public-use facilities to meet the Management Plan recreation goals and objectives while protecting scenic, natural, and cultural resources.

## ***GMA Policies***

1. Proposed resource-based recreation facilities or uses shall be consistent with applicable Recreation Intensity Class guidelines and the "Approval Criteria for Recreation Uses" contained in this chapter. -

2. Recreation uses that are not resource-based in nature are not subject to the guidelines and criteria of the Recreation Intensity Classes. Such recreation uses may be permitted pursuant to provisions of the land use designations, and include community parks and playgrounds, tennis courts, swimming pools, and playing fields for organized team sports. New golf courses shall not be permitted. Existing golf courses may be expanded, subject to conditions.

3. In addition to the guidelines and criteria contained in this section, proposed resource-based recreation uses shall comply with all applicable guidelines to protect natural, cultural, and scenic resources.

4. Proposed changes to the Recreation Intensity Class of an area shall require a plan amendment subject to Gorge Commission approval.

5. Proposed development in an area classified Recreation Intensity Class 4 (high intensity) that exceeds the guidelines for that class shall require county approval, upon satisfaction of Guideline 2 in "Variances and Plan Amendments" in the Recreation Intensity Class guidelines

6. The Recreation Intensity Class guidelines shall be applied to individual recreation

facilities. (Individual recreation facilities are defined in "Facility Design Guidelines for GMA and SMA Recreation Projects," below.)

7. The Gorge Commission shall evaluate the results of the Recreation Intensity Classes as part of the Management Plan update and review process. This evaluation shall include an assessment of the cumulative effects of new recreation development on scenic, cultural, natural, and recreation resources of the National Scenic Area and in the vicinity of the development. The Gorge Commission may at any time reevaluate the Recreation Intensity Classes in the vicinity of a new Recreation Intensity Class 3 or 4 development for possible cumulative effects.

   A. Land slope, road access, the presence of geologic or other hazards, and the presence of significant or sensitive resources shall be primary considerations in determining the suitability of lands for recreation. Other considerations shall include the presence of site amenities providing recreation opportunities and proximity to complementary recreation facilities.

   B. High-intensity recreation uses shall be limited to the most suitable lands for recreational access to the Columbia River and its major tributaries and suitable lands for recreation use near designated urban areas or Rural Centers.

   C. Recreation shall be limited to very low-intensity uses in inventoried wetlands, special habitat areas, significant natural areas, steeply sloping lands, and geologic hazard areas.

   D. Recreation shall be limited to very low-intensity uses in areas of existing orchards, vineyards, row crops or other high-value agricultural uses on lands designated Large-Scale or Small-Scale Agriculture.

   E. Recreation shall be limited to low-intensity recreation uses in areas with the most suitable soils for cultivation on lands designated Large-Scale or Small-Scale Agriculture.

   F. Notwithstanding Policies 7.D and 7.E of this section, moderate- or high-intensity recreation uses may be allowed on lands adjacent to the Columbia River or its major tributaries offering significant opportunities for recreational river access.

   G. Low- and moderate-intensity recreation uses shall be emphasized on lands designated Commercial Forest Land or Large or Small Woodland most suitable for such uses.

   H. Recreation shall be limited to low-intensity uses on lands designated Residential.

# ***GMA Guidelines***

## Allowable Uses

Each Recreation Intensity Class includes a description of the desired social, physical and managerial setting for recreation development within each Recreation Intensity Class. Each Recreation Intensity Class also includes a list of allowable uses, subject to compliance with the "Facility Design Guidelines For GMA and SMA Recreation Projects" section.

1. Recreation Intensity Class 1 (Very Low Intensity)

   A. Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads and recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

   B. Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities are allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

   C. Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

   D. The following uses may be permitted.

      (1) Parking areas, not to exceed a site-wide capacity of 10 vehicles, when associated with any allowed uses in Recreation Intensity Class 1. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

      (2) Trails for hiking, equestrian, and mountain biking use.

      (3) Pathways for pedestrian and bicycling use.

      (4) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).

      (5) Scenic viewpoints and overlooks.

      (6) Wildlife/botanical viewing and nature study areas.

      (7) River access areas.

(8) Boat docks, piers, or wharfs.

(9) Picnic areas.

(10) Restrooms/comfort facilities.

2. Recreation Intensity Class 2 (Low Intensity)

A. Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning and where there is a moderate probability to experience solitude. Typically encounters with other visitors throughout the designation is Low to Moderate. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads, and moderate to high near (within 1 mile) recreation sites and roads.

B. Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

C. Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

D. The following uses may be permitted.

(1) All uses permitted in Recreation Intensity Class 1.

(2) Parking areas, not to exceed a site-wide capacity of 25 vehicles, when associated with any allowed uses in Recreation Intensity Class 2. Parking spaces for campground units shall be included in this number. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings

(3) Boat ramps, not to exceed two lanes.

(4) Campgrounds for 20 units or less, tent sites only.

3. Recreation Intensity Class 3 (Moderate Intensity)

A. Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

B. Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

C. Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

D. The following uses may be permitted.

(1) All uses permitted in Recreation Intensity Classes 1 and 2.
(2)
(3) Parking areas, not to exceed a site-wide capacity of 75 vehicles, when associated with any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units shall be included in this number.

(4) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites, and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(5) Boat ramps, not to exceed three lanes.

(6) Concessions stands, pursuant to applicable policies in this chapter.

(7) Campgrounds for 50 individual units or less, for tents and recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the allowed individual campground units or parking area maximums.

4. Recreation Intensity Class 4 (High Intensity)

A. Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

B. Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

C. The maximum site design capacity for parking areas shall not exceed 250 vehicles for any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units are to be included in this number.

D. Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

E. The following uses may be permitted.

(1) All uses permitted in Recreation Intensity Classes 1, 2, and 3.

(2) Parking areas, not to exceed a side-wide capacity of 250 vehicles, when associated with any allowed uses in Recreation Intensity Class 4. Parking spaces for campground units shall be included in this number.

(3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(4) Horseback riding stables and associated facilities.

(5) Boat ramps.

(6) Campgrounds for 175 individual units or less, for tents and recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to three group campsite areas, in addition to allowed individual campsite units or parking area maximums.

## Approval Criteria for Recreation Uses

1. For all proposed recreation projects outside of Public or Commercial Recreation designations, project applicants shall demonstrate compliance with the following criteria (if applicable):

   A. Compliance with all applicable guidelines in this Management Plan for the protection of scenic, cultural, recreation, and natural resources. Cumulative effects of proposed recreation projects on landscape settings shall be based on

the "Compatible Recreation Use Guideline" for the landscape setting in which the proposed project is located (see Part I, Chapter 1: Scenic Resources).

B. For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, compliance with the following:

(1) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of onsite buffers may be used to partially or fully comply with this criterion, depending upon project design and site conditions.

(2) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.

C. For proposed projects including facilities for outdoor fires for cooking or other purposes, or for proposed campgrounds, compliance with the following:

(1) The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the county fire marshal) is readily available to the proposed facility, either through connection to a community water system or onsite wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities.

(2) To provide access for firefighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to firefighting equipment.

D. For proposed trail or trailhead projects, compliance with the following:

(1) Where applicable, new trails should incorporate existing segments of older or historic trails, abandoned roads and railroad rights-of-way, and other previously developed areas suitable for recreation use to the maximum extent practicable.

(2) Trails that are intended for multiple user groups shall be required to post signs at trailheads alerting users that multiple user groups may be present on the trail. Trails shall be designed such that user conflicts and safety issues are minimized.

(3) Applications for new trails or trailheads shall include measures to minimize the potential spread of noxious weeds.

(4) Applications for new trails or trailheads shall consider the potential of fire risk during critical fire hazard periods in developing the physical and managerial setting of the site.

E. For proposed projects providing recreation access to the Columbia River or its tributaries, applicants shall demonstrate that the new facility is consistent with and does not affect or modify tribal treaty rights.

F. For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries, compliance with the guidelines in Part IV, Chapter 3: Indian Treaty Rights and Consultation.

G. For proposed projects that include interpretation of natural or cultural resources, demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

H. Applications for public recreation development in Recreation Intensity Class 3 and 4 shall demonstrate how the proposed recreation development will be equitable and accessible (regardless of income level, ethnicity, gender, ability, or age). Applications for public recreation development in RIC 1 and 2 shall meet this standard to the maximum extent practicable

I. Applications shall demonstrate compliance with the social, physical and managerial setting characteristics in the applicable Recreation Intensity Class description.

## Variances and Plan Amendments

1. A local government may grant a variance to the setback and buffer requirements contained in this chapter upon a finding that all of the following conditions exist:

   A. The proposed project is a public-use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a scenic travel corridor.

   B. All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.

   C. Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.

   D. The variance is the minimum necessary to accommodate the use.

2. A local government may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that all of the following conditions exist:

   A. Demand and use levels for the proposed activity or activities, particularly in the area where the site is proposed, are high and expected to remain so or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National Visitor Use Monitoring Program shall be relied upon to meet this criterion in the absence of current applicable studies.

   B. The proposed use is dependent on resources present at the site.

   C. Reasonable alternative sites offering similar opportunities, including those in nearby urban areas, have been evaluated, and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

   D. The proposed use is consistent with the goals, objectives, and policies in this chapter.

   E. Through site design and mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural, or cultural resources and adjacent land uses.

   F. Through site design and mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

3. Proposals to change the Recreation Intensity Class of an area shall require a Management Plan amendment, pursuant to policies 1 through 4 in "Amendment of the Management Plan" (Part IV, Chapter 1: Gorge Commission Role).

## Facility Design Guidelines for GMA and SMA Recreation Projects

1. Recreation facilities that are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the guidelines and criteria in this chapter, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses or facilities.

2. The facility design guidelines are intended to apply to individual recreation facilities. Development or improvements within the same Recreation Intensity Class are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land (excluding trails, pathways, or access roads).

3. Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable. These trees may be used to satisfy requirements for perimeter and interior landscaped buffers.

4. Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

5. Lineal frontage of parking areas and campsite loops on scenic travel corridors shall be minimized.

6. Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.

7. Signs shall be limited to those necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.

8. Innovative designs and materials that reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduced required minimum interior or perimeter landscaped buffers. If the county determines that potential visual impacts have been substantially reduced by use of such designs and materials, it may allow either a) reductions of up to 50 percent of required minimum interior or perimeter landscape buffers, or b) up to 10 percent additional parking spaces.

9. A majority of trees, shrubs, and other plants in landscaped areas shall be species native to the landscape setting in which they occur. The landscape setting descriptions and design guidelines are found in Part I, Chapter 1. Project applicants that are required to use new landscaping are encouraged to place trees, shrubs and other plants in a manner approximating their natural condition.

14. For any parking area with over 50 spaces, interior landscaped buffers breaking up continuous areas of parking into discrete “islands” shall be provided. The minimum width of interior landscaped buffers separating each subarea of 50 spaces or less shall be 20 feet.

17. Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

19. Project applicants shall use measures and equipment necessary for the proper maintenance and survival of all vegetation used to meet landscape standards, and shall be responsible for such maintenance and survival.

20. All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.

# SMA PROVISIONS: OVERALL GOALS, POLICIES, AND GUIDELINES

## ***SMA Goal***

Protect and enhance recreation resources.

## ***SMA Policies***

1. The recreation settings shall be protected and enhanced.

2. All new development and land uses shall protect recreation resources.

3. Recreation resources shall be protected by limiting development and uses, as designated in the Recreation Intensity Class guidelines.

4. Recreation opportunities shall encourage and facilitate use by all sectors of the public, including ethnic groups, persons with disabilities, the elderly, and the young.

5. Only natural resource-based recreation shall be allowed.

6. Comprehensive recreation resource planning shall be encouraged to foster a unified, regional approach and de-emphasize jurisdictional divisions. Collaborate with partner agencies and stakeholders to develop management strategies and actions to protect and enhance recreation opportunities/experiences and natural, scenic and cultural resources from overuse at popular recreation sites and trails.

7. Proposed changes to the Recreation Intensity Class of an area shall require a Management Plan amendment, subject to Gorge Commission approval and concurrence by the Forest Service.

   Proposals in an area of Recreation Intensity Class 4 that exceed the guidelines for that class shall require county approval upon satisfaction of the exceptions criteria specified in the Recreation Intensity Class guidelines.

8. Enhance the public's understanding and appreciation of natural and human history in the Gorge through a variety of mediums and programs.

9. Alternate modes of transportation to destination recreation facilities are encouraged, including use of shuttles, waterway facilities, and rail travel, to facilitate visitation and reduce impacts to scenic, cultural, natural, and recreation resources.

## ***SMA Guidelines***

1. New development and land uses shall not displace existing recreational use.

2. Recreation resources shall be protected from adverse effects by evaluating new development and land uses as proposed in the site plan. An analysis of both onsite and offsite cumulative effects shall be required.

3. New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

4. Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

5. The Facility Design Guidelines are intended to apply to individual recreation facilities. Development or improvements within the same Recreation Intensity Class are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land (excluding trails, pathways, or access roads).

6. New development and reconstruction of scenic routes shall include provisions for bicycle lanes.

7. A local government may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that all of the following conditions exist:

    A. Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National Visitor Use Monitoring Program shall be relied upon to meet the criterion in the absence of current applicable studies.

    B. The proposed use is dependent on resources present at the site.

    C. Reasonable alternative sites offering similar opportunities, including those in urban areas, have been evaluated, and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

    D. The proposed use is consistent with the goals, objectives, and policies in this chapter.

    E. Through site design and mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural, or cultural resources and adjacent land uses.

    F. Through site design and mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

8. Proposals to change the Recreation Intensity Class of an area shall require a

Management Plan amendment pursuant to policies 1 through 4 in "Amendment of the Management Plan" (Part IV, Chapter 1: Gorge Commission Role).

9. The Recreation Intensity Classes are designed to protect recreation resources by limiting land development and land uses.

# SMA PROVISIONS: RECREATION INTENSITY CLASSES

## ***SMA Guidelines***

Each Recreation Intensity Class includes a description of the desired social, physical and managerial setting for recreation development within each Recreation Intensity Class. Each Recreation Intensity Class also includes a list of allowable uses, subject to compliance with the “Facility Design Guidelines For GMA and SMA Recreation Projects” section.

1. Recreation Intensity Class 1 (Very Low Intensity)

Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

A. The maximum design capacity for parking areas shall be 10 vehicles.

B. The following uses may be permitted:

(1) Trails and trailheads.

(2) Parking areas.

(3) Dispersed campsites accessible only by a trail.

(4) Viewpoints and overlooks.

(5) Picnic areas.

(6) Signs.

(7) Interpretive exhibits and displays.

(8) Restrooms.

(9) Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

2. Recreation Intensity Class 2 (Low Intensity)

Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning and where there is a moderate probability to experience solitude. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads. Usually and moderate to high near (within 1 mile) recreation sites and roads.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

The following uses may be permitted.

A. The maximum design capacity for parking areas shall be 25 vehicles.

All uses permitted in Recreation Intensity Class 1 are permitted in Recreation Intensity Class 2. The following uses may also be permitted:

*(1)* Campgrounds for twenty (20) units or less, tent sites only.

(2) Boat anchorages designed for no more than 10 boats at one time.

(3) Swimming areas.

(4) Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

3. Recreation Intensity Class 3 (Moderate Intensity)

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with natural characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural environment.

Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

A. Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity. The maximum design capacity for parking areas shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10 percent of the site.

B. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

C. All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Recreation Intensity Class 3. The following uses may also be permitted:

(1) Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 50 single or group campsites (tent or recreational vehicle) and a total design capacity of 250 people at one time.

(2) Boat anchorages designed for not more than 15 boats.

(3) Public visitor, interpretive, historic, and environmental education facilities.

(4) Full-service restrooms that may include showers.

(5) Boat ramps.

(6) Riding stables.

4. Recreation Intensity Class 4 (High Intensity)

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Landscapes with natural appearing backdrop are characterized by this designation. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape setting.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

A. Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.

B. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

C. All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4. The following uses may also be permitted:

-Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 100 single or group campsites (tent or recreational vehicle) and a total design capacity of 500 people at one time.

# PART II

# Land Use Designations

CHAPTER

# 1

# Agricultural Land

Agriculture in the Columbia River Gorge is varied and is distributed throughout the National Scenic Area. It ranges from row crops, hay, and specialty crops in the western Gorge to orchards and vineyards in the central Gorge to wheat, rangeland, and vineyards in the east. It includes operations of varying scales and intensity from commercial crop production, to livestock grazing, and specialty farming. Agriculture and its associated support industries (packing and processing, farm equipment, etc.) have historically been a vital part of the local economy, particularly in the central and eastern Gorge, and remain so today.

## NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act directs the Gorge Commission and the Forest Service to "protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open space, recreation development or forest lands" [Section 6(d)(1)].

The Act defines agricultural lands to be those lands "used or suitable for the production of crops, fruits or other agricultural products, or the sustenance of livestock . . ." [Section 6(b)(2)].

## KEY ISSUES

Agricultural lands need to be protected from conflicting land uses. Farm practices such as spraying herbicides and pesticides, noise from farm machinery, and odors can be unpleasant to nearby residents and others. Conversely, non-farm residences and other uses can introduce pathogens and host plant species into agricultural areas, and can introduce pets that may harass farm animals or damage crops.

Traditionally, the division of agricultural lands fragmented viable farms into parcels too small for commercial operations. More recently, the artisan economy and technology has allowed the use of these small parcels for specialty farming. Climate change also affects the viability of agricultural uses in the Gorge.

Agricultural use of land can damage or destroy natural resources and habitat and cultural resources, and change the landscape of the Gorge as visible from key viewing areas.

# GMA
# PROVISIONS

## LARGE-SCALE AND SMALL-SCALE AGRICULTURE

### *GMA Goal*

Protect and enhance lands that are used for or suitable for agricultural use.

### *GMA Objectives*

1. Use regulations establishing allowable land uses and minimum parcels sizes to prevent fragmentation of agricultural lands, ensure agricultural lands are used for agricultural purposes, and to avoid conflicts between agricultural lands and adjacent or nearby non-agricultural land uses.

2. Enhance agriculture in areas designated Large-Scale Agriculture by encouraging the consolidation of small, inefficient parcels into larger, more efficient ownerships.

3. Support programs that provide technical support for landowners and farm operators and tax incentives for continued agricultural use, and that enhance the competitive capabilities of farms and ranches. Support programs that encourage agricultural practices that preserve other natural resources.

### *GMA Policies*

#### Designation Policies

1. Those lands that are currently being used or that have recently been used to produce crops, fruits, or other agricultural products or for the sustenance of livestock shall be designated as Large-Scale or Small-Scale Agriculture.

2. Those lands that are classified as predominantly Class I through Class IV soils or are designated unique farmland by the U.S. Department of Agriculture Soil Conservation Service or local conservation district shall be designated as Large-Scale or Small-Scale Agriculture.

3. Those lands that are suitable for producing crops, fruits, or other agricultural products or for the sustenance of livestock, including seasonal rangeland and areas used for calving, shall be designated as Large-Scale or Small-Scale Agriculture.

4. Those lands that are interspersed among lands used or suitable for agriculture shall be designated as Large-Scale or Small-Scale Agriculture in order to protect agricultural lands from conflicting uses.

5. Those lands that are suitable for both agriculture and forestry shall be designated as Large-Scale or Small-Scale Agriculture if the surrounding area is generally devoted to agriculture.
6. The diversity of agricultural operations in the National Scenic Area shall be recognized by distinguishing between Large-Scale and Small-Scale Agriculture.

   A. Blocks of agricultural land shall be designated as Large-Scale Agriculture if they:

      (1) Are currently devoted to agriculture of a scale that is land intensive, employs workers, or provides significant products for markets or processors, or

      (2) Have a combination of soil capability, size, and freedom from conflicting use that renders them suitable for large-scale agriculture or farm forestry.

   B. Blocks of agricultural land shall be designated as Small-Scale Agriculture if they:

      (1) Have little potential for consolidation with large-scale agricultural lands and are currently devoted to agriculture of a scale too small to support workers or provide a significant volume of products for markets or processors, and

      (2) Have a combination of soil capability and size that provides an opportunity for direct marketing or part-time/second-income agriculture.

   C. Small blocks of land that may by themselves be deemed Small-Scale Agriculture shall be designated as Large-Scale Agriculture if residential development of them would conflict with the resource use of adjacent lands designated Large-Scale Agriculture or Commercial Forest Land. Small blocks that are adjacent to urban areas, Residential, or Small Woodland land use designations or that are physically buffered by natural or manmade barriers from adjacent Large-Scale Agriculture and Commercial Forest Land designations may be considered for a Small-Scale Agriculture designation.

**Land Use Policies**

1. Conversion of agricultural land to forest land or open space shall be allowed.

2. Conversion of land from agriculture use to recreation shall be allowed when consistent with the guidelines established for the Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources).

3. Minimum lot sizes shall be established that are adequate to maintain agricultural operations and that:

A. Recognize the diversity of type and scale of agricultural uses in the National Scenic Area.

B. Are large enough to ensure efficient agricultural management, discourage speculative real estate investment, and prevent conversion of agricultural land to residential use and conflicts from adjacent or nearby land uses.

C. Take into account the common field size for crops or livestock, adjacent uses, parcel sizes in the area, common size or economic unit for farms and ranches in the area, the existing landscape setting, wildlife habitat, scenic sensitivity, and other factors.

4. The following minimum parcel sizes shall be established for the creation of new parcels:

A. Large-Scale Agriculture

(1) A 40-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for intensive farm operations, including the production of row crops, berries, vineyards, irrigated orchard land, and nursery stock. Farm/forestry operations are common in these areas.

(2) A 60-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for non-irrigated orchard land. Dryland orchards require greater acreage to obtain production similar to irrigated orchards.

(3) An 80-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for haying and pasturing. Production of crops may also occur in the area. Farm/forestry operations are common in these areas.

(4) A 160-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for extensive operations, primarily livestock grazing. Livestock and wheat ranches are common in these areas.

(5) Where a larger minimum parcel size is required by the Management Plan to protect a resource other than agricultural land, the larger minimum size shall apply.

B. Small-Scale Agriculture

(1) A minimum parcel size for lands designated Small-Scale Agriculture shall be established using the criteria prescribed in land use Policy 3, above. The minimum parcel size shall not be less than 20 acres.

(2) Where a larger minimum parcel size is required by the Management

Plan to protect a resource other than agricultural land, the larger minimum size shall apply.

5. On lands designated Large-Scale or Small-Scale Agriculture that include deer and elk winter range or turkey habitat, new parcels shall be 40 acres or larger in the west end of the National Scenic Area and 80 acres or larger in the east end of the National Scenic Area. In Oregon, the division between the west and east end of the National Scenic Area is the Hood River. In Washington, the division between the west and east end of the National Scenic Area is the White Salmon River

6. Agricultural use shall be allowed in areas designated Large-Scale or Small-Scale Agriculture.

7. The following commercial uses may 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.

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

9. Agricultural buildings may be allowed in areas designated Large-Scale or Small-Scale Agriculture if they are shown to be accessory to agricultural use.

10. Single-family dwellings may be allowed in areas designated Large-Scale Agriculture when:

    A. A farm dwelling is shown to be in conjunction with and substantially contributes to the effective and efficient current agricultural use of a farm or ranch, or

    B. A non-farm dwelling is shown not to convert land from agricultural use and not to interfere or conflict with agriculture on nearby lands.

11. All legally created, undeveloped parcels in a Small-Scale Agriculture designation are entitled to a single-family dwelling. Qualified agricultural labor housing may also be allowed.

12. Specified non-agricultural uses, such as buildings accessory to an existing residence, may be allowed, subject to review to minimize the loss of agricultural land and to prevent interference with agricultural uses. Non-agricultural uses that would interfere with agricultural operations shall not be allowed.

13. Agriculture may be enhanced by allowing processing and packing of agricultural

products and uses that offer direct marketing opportunities, subject to review to minimize the loss of agricultural land and to limit the size and scale of use.

14. The reviewing agency shall provide information on Firewise standards to landowners at the time of application. Landowners shall be encouraged to incorporate Firewise standards in their proposal as appropriate and as consistent with the resource protection provisions in the Management Plan.

## *GMA Guidelines*

### Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Large-Scale Agriculture or Small-Scale Agriculture.

### Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Large-Scale Agriculture or Small-Scale Agriculture.

### Review Uses

1. The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

    A. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources), and upon demonstration that the landowner has sufficient water to support the use.

    B. Agricultural structures in conjunction with agricultural use, including new cultivation.

    C. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

    D. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.E or Guideline 1.F below.

    E. Accessory building(s) larger than 200 square feet in area or taller than 10 feet

in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

F. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

G. The temporary use of a manufactured home, tiny house on wheels, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

H. On lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, upon a demonstration that all of the following conditions exist:

(1) The subject farm or ranch (including all of its constituent parcels, contiguous or otherwise) has no other dwellings that are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling.

(2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined under "Designation Policies," where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy Guideline (3)(d), below.

(3) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(a) Size of the entire farm or ranch, including all land in the same ownership.

(b) Type(s) of agricultural uses (crops, livestock) and acreage.

(c) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.

(d) Income capability. The farm or ranch, and all its constituent parcels, must be capable of producing at least $80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:

(A)(B)(C) = I
where:

A = Average yield of the commodity per acre or unit of production
B = Average price of the commodity
C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
I = Income capability

I. On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling that is included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria listed in GMA Policy 10.A in Part I, Chapter 2: Cultural Resources.

J. On lands designated Small-Scale Agriculture, a single-family dwelling on any legally created and existing parcel.

K. On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:

(1) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister.

(2) The dwelling would be located on the same parcel as the dwelling of the principal operator.

(3) The operation is a commercial enterprise, as determined by an evaluation of the factors described in Guideline 1.H(3) under

"Review Uses" in this section.

L. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

M. Structures associated with hunting and fishing operations.

N. Towers and fire stations for forest fire protection.

O. Agricultural labor housing, under the following conditions:

(1) The proposed housing is necessary and accessory to a current agricultural use.

(2) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months.

(3) The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

P. On lands designated Large-Scale Agriculture, on a parcel that was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that all of the following conditions exist:

(1) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands.

(2) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location, and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be used in conjunction with other agricultural operations in the area.

(3) The dwelling shall be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in "Agricultural Buffer Zones," below, or designated Commercial Forest Land or Large or Small Woodland, as required in "Siting of Dwellings on Forest Land" (Part II, Chapter 2: Forest Land).

(4) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, Large or Small Woodland.

(5) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that is within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.

Q. Life estates, subject to the guidelines for life estates in "Approval Criteria for Life Estates," below.

R. Land divisions, subject to Land Use Policies 4 and 5, above, and the guidelines in "Land Divisions" (Part II, Chapter 7: General Policies and Guidelines).

S. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

T. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

U. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

V. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

W. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

X. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and the "Approval Criteria for Specified Review Uses," below.

A. Construction, reconstruction, or modification of roads, utility facilities, and railroads necessary for public service upon a showing that:

(1) there is no practicable alternative location with less adverse effect on agricultural or forest lands, and;

(2) the size is the minimum necessary to provide the service.

B. Home occupations in existing residential or accessory structures, subject to the guidelines in "Home Occupations" (Part II, Chapter 7: General Policies and Guidelines).

C. Fruit and produce stands, upon a showing that sales will be limited to agricultural products primarily grown on the subject farm.

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

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

F. Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

G. Exploration, development, and production of mineral and geothermal resources, subject to the guidelines in “Review Uses” (Part II, Chapter 7: General Policies and Guidelines).

H. Personal-use airstrips, including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted (except for aircraft emergencies) to use by the owner; invited guests on an infrequent and occasional basis; and commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.

I. Aquaculture.

J. Recreation development, subject to the Recreation Intensity Class provisions (Part I, Chapter 4: Recreation Resources).

K. Boarding of horses. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

L. Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

M. Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines) and provided that the residence:

(1) Is included in the National Register of Historic Places, or

(2) In Washington, is listed on the Washington Heritage Register maintained by the Washington Department of Archaeology and Historic Preservation, or

(3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

N. Nonprofit, environmental learning or research facilities.

O. Expansion of existing school or place of worship.

P. On parcels designated Small-Scale Agriculture, small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).

Q. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

## Agricultural Buffer Zones

1. All new buildings shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for agricultural use:

### SETBACK GUIDELINES

| Type of Agriculture | Type of Buffer (Size in Feet): *Open or Fenced* | *Natural or Created Vegetation Barrier* | *8-foot Berm or Terrain Barrier* |
|---|---|---|---|
| *Orchards* | 250 | 100 | 75 |
| *Row crops/ Vegetables* | 300 | 100 | 75 |
| *Livestock grazing Pasture, haying* | 100 | 15 | 20 |
| *Grains* | 200 | 75 | 50 |
| *Berries, vineyards* | 150 | 50 | 30 |
| *Other* | 100 | 50 | 30 |

2. New buildings adjacent to lands designated Large-Scale or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.
3. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to look natural. Shrubs, trees, or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.

4. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and shall be continuous.

5. The necessary berming or planting shall be completed during the first phase of development and maintained in good condition.

6. If several crops or crop rotation is involved in the adjacent operation, the greater

setback shall apply.

7. A local government may grant a variance to the buffer guidelines upon a demonstration that the variance guidelines in "Variances from Setbacks and Buffers" (Part II, Chapter 7: General Policies and Guidelines) have been satisfied.

**Approval Criteria for Life Estates**

1. A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in the Management Plan. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

   A. The proposed dwelling is in conjunction with agricultural use, using Guideline 1.H of "Review Uses" in this chapter.

   B. Upon termination of the life estate, the original or second dwelling shall be removed.

**Approval Criteria for Specified Review Uses**

1. The uses identified under Guideline 2 under "Review Uses," above, may be allowed only if they meet both of the following criteria:

   A. The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.

   B. The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

# AGRICULTURE-SPECIAL

## ***GMA Goals***

1. Ensure that new development and uses do not adversely affect natural areas that are listed on or potentially eligible for listing on the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program.

2. Encourage landowners to enhance those portions of natural areas that are in fair or poor condition.

## ***GMA Objectives***

1. Use regulations to avoid adverse effects of development and land uses to

natural areas that are listed on or potentially eligible for listing on the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program.

2. Inform landowners and agency officials about voluntary natural area protection programs that are conducted by state agencies and nonprofit organizations, such as the Oregon Biodiversity Information Center, the Washington Natural Heritage Program, and The Nature Conservancy.

3. Assist owners of natural areas who wish to realize benefits from programs that promote long-term protection of open space values by informing them of opportunities such as property tax relief through special assessment programs, income tax benefits through charitable donations, or acquisition by government agencies or nonprofit organizations.

## ***GMA Policies***

1. Natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program shall be designated as Open Space or Agriculture-Special.

2. Potentially eligible natural areas that are primarily rangeland and substantially contribute to existing livestock operations shall be designated Agriculture-Special if continued livestock grazing would not adversely affect native plant communities or rare plants. The Oregon Biodiversity Information Center and Washington Natural Heritage Programs have concluded that continued livestock grazing is compatible with the following natural areas: Celilo Ridge and Crates Point, Oregon, and Columbia Hills and Horsethief Ponds, Washington. These natural areas are designated Agriculture-Special.

3. Potentially eligible natural areas that would be adversely affected by intensive uses shall be designated as Open Space. The following natural areas are designated Open Space: Chenoweth Table, Columbia Oaks, Rowena Plateau, and Squally Point, Oregon; and Columbia Tunnels, Lower Klickitat River Canyon, and Mosley Lakes, Washington.

4. The Gorge Commission, in consultation with the Oregon Biodiversity Information Center and Washington Natural Heritage Program, have prepared guidelines that specify what uses may be allowed in each natural area. Uses that would adversely affect native plant communities and rare plants shall be prohibited in natural areas. Guidelines for natural areas designated Agriculture-Special are presented in this section, below. Guidelines for natural areas designated Open Space are found in Part II, Chapter 4: Open Space.

5. Landowners and agency officials shall be encouraged to rehabilitate those portions of natural areas that have been degraded and invaded by non-native plant species and weeds. Rehabilitation may be accomplished through a variety of means, including soil and water conservation planning, weed control, and livestock

management.

## *GMA Guidelines*

### Uses Allowed Outright for Lands Designated Agriculture-Special

1. The following uses may be allowed on lands designated Agriculture-Special without review:

   A. Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.

   B. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads, and utility facilities.

   C. Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, birdwatching, photography, horseback riding, and hiking. Development associated with these low-intensity recreation uses is subject to review and is not allowed outright.

   D. Temporary livestock facilities, such as portable livestock pens and corrals.

   E. New fences that exclude livestock from lands that are not part of an existing livestock operation.

### Uses Allowed through the Expedited Review Process

1. The uses listed in “Expedited Development Review Process” (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Agriculture-Special.

### Review Uses for Lands Designated Agriculture-Special

1. The following uses may be allowed on lands designated Agriculture-Special, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses on Lands Designated Agriculture-Special" in this section.

   A. New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.

   B. New fences, livestock watering facilities, and corrals.

   C. Soil, water, and vegetation conservation uses.

   D. Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.

E. Fish and wildlife management uses, educational activities, and scientific research.

F. Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources.

G. Single-family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Guideline 1.Q of "Review Uses" (Part II, Chapter 1: Agricultural Land). The buffer guidelines for non-agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.

H. Recreation uses, subject to the provisions for Recreation Intensity Classes (in Part I, Chapter 4: Recreation Resources).

I. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

J. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

K. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

L. Lot line adjustments, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

**Approval Criteria for Review Uses on Lands Designated Agriculture-Special**

1. A range conservation plan shall be prepared before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; or soil, water, and vegetation conservation activities are undertaken (review uses 1.A, 1.B, and 1.C). Range conservation plans are described under "Range Conservation Plans" below.

2. The local government shall submit all land use applications and range conservation plans to the Oregon Biodiversity Information Center or Washington Natural Heritage Program. The state heritage program will have 30 days from the date that an application or plan is mailed to submit written

comments to the local government.

3. The local government shall record and address any written comments submitted by the state heritage program in its development review order.

4. Based on the comments from the state heritage program, the local government shall make a final decision on whether the proposed use is consistent with the Agriculture-Special policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the local government shall justify how it reached an opposing conclusion.

## Uses Prohibited on Lands Designated Agriculture-Special

1. Except for uses allowed outright and review uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:

    A. Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening the soil.

    B. Removal or clearing of native grasses, shrubs, and trees.

    C. Single-family dwellings and accessory structures, other than non-agricultural dwellings allowed as a review use.

    D. Barns, silos, and other agricultural buildings.

    E. Irrigation systems.

    F. Exploration, development, and production of mineral resources.

    G. Utility facilities, public use facilities, and roads.

## Range Conservation Plans

1. If a range conservation plan is required before a use is allowed, it shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon Biodiversity Information Center or Washington Natural Heritage Program should be consulted while the plan is being prepared.

2. Range conservation plans shall ensure that new uses do not adversely affect natural areas. They shall accomplish the following goals:

    A. Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.

    B. Preserve native trees and shrubs.

C. Reestablish native grasses in degraded areas that have been invaded by non-native plants and weeds.

3. Range conservation plans shall include the following elements:

A. Range inventory. This shall include existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements.

B. Rehabilitation plan. This shall include actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.

C. Livestock management plan. This shall include the grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Livestock management plans shall project livestock movements for at least 3 years.

D. Monitoring program. This shall track the annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

# SMA PROVISIONS

## ***SMA Goal***

Protect and enhance lands that are used or suitable for agricultural uses.

## ***SMA Policies***

1. Only lands determined to be used or suitable for agricultural purposes may be designated Agriculture.

2. Lands that are classified as predominantly Class I through Class IV soils, or are designated unique farmlands by the U.S. Department of Agriculture Soil Conservation Service or local conservation district, or are suitable for producing forage for livestock, are considered suitable for designation as Agriculture.

3. Other lands that are interspersed among lands used or suitable for agricultural purposes may be designated Agriculture in order to protect agricultural lands from conflicting uses.

4. Use of agricultural land for forest, open space, or public recreation is allowed and shall comply with the appropriate land use designation policies and guidelines. Use of agricultural land for commercial recreation is allowed and shall comply with the provisions of Part I, Chapter 4: Recreation Resources.

5. Conversion of lands designated Agriculture to Forest Land or to Open Space is allowed.

6. Agricultural lands shall be protected by minimizing adjacent land use conflicts.

7. Existing and new programs that promote farm practices that conserve and enhance natural resources shall be encouraged and facilitated.

8. The use of agricultural lands for public recreation or commercial recreation shall be allowed when consistent with the provisions of Part I, Chapter 4: Recreation Resources.

9. New dwellings shall not be permitted on parcels of land of less than 40 contiguous acres.

10. Structures, new dwellings, and agricultural buildings shall maintain the visual character of the landscape setting.

11. New dwellings and agricultural buildings shall only be allowed in areas designated Agriculture if they are shown to be necessary for and accessory to agricultural use.

12. Scenic, cultural, natural, and recreation resource guidelines shall be applied to new land uses and developments.

13. All National Forest System lands shall be subject to the laws and regulations pertaining to National Forest lands, including the National Environmental Policy Act (NEPA), and the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

## ***SMA Guidelines***

### Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Agriculture.

### Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Agriculture.

### Review Uses

1. The following uses may be allowed on lands designated Agriculture subject to review for compliance with the scenic, cultural, natural, and recreation resource

guidelines. The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock.

A. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of 1.W of Part II, Chapter 2: Forest Land.

B. Forest uses and practices, as allowed for in Part II, Chapter 2: Forest Land.

C. A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:

(1) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.

(2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy Guideline (3)(d), below.

(3) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:

(a) Size of the entire farm or ranch, including all land in the same ownership.

(b) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.

(c) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.

(d) Income capability. The farm or ranch, and all its contiguous parcels, must produce at least $80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula,

$$(A)(B)(C) = I$$

where:

A = Average yield of the commodity per acre or unit of production
B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
I = Income capability

(4) Minimum parcel size of 40 contiguous acres.

D. Farm labor housing on a parcel with an existing dwelling under the following conditions:

(1) The proposed housing is necessary and accessory to a current agricultural use, and the operation is a commercial agricultural enterprise as determined by an evaluation of the criteria listed in Guideline 1.C(3) under "Review Uses," above.

(2) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed 9 months.

(3) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.

*(4)* Minimum parcel size of 40 contiguous acres.

E. Agricultural structures, except buildings, in conjunction with agricultural use.

F. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

G. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.H or Guideline 1.I below.

H. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

I. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are

subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

J. Home occupations subject to the guidelines in "Home Occupations " (Part II, Chapter 7: General Policies

and Guidelines). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

K. Bed and breakfast inns, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

L. Fruit and produce stands, upon a showing that sales will be limited to agricultural products primarily grown on the property.

M. Aquaculture.

N. Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMAs.

O. Utility facilities necessary for public service, upon a showing that:

(1) There is no alternative location with less adverse effect on Agriculture lands.

(2) The size is the minimum necessary to provide the service.

P. Temporary asphalt/batch plant operations related to public road projects, not to exceed 6 months.

Q. Community facilities and nonprofit facilities related to agricultural resource management.

R. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and

Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

S. Expansion of existing nonprofit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

T. Public recreation, commercial recreation, interpretive, and educational developments and uses, consistent with the guidelines in Part I, Chapter 4: Recreation Resources.

U. Road and railroad construction and reconstruction.

V. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

W. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured home or dwelling structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

X. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

Y. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

Z. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

AA. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

CHAPTER

# 2

# Forest Land

The forest products industry historically was a mainstay of the Gorge economy. Its role has diminished in recent decades. The industry depends on lands inside and outside the National Scenic Area for logs. Forest lands within the National Scenic Area include parts of the Mt. Hood National Forest in Oregon and the Gifford Pinchot National Forest in Washington. The State of Washington owns substantial areas of land managed by the Department of Natural Resources. There are also large holdings of industrial forest land and substantial non-industrial, small woodlands within the National Scenic Area.

## NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act directs the Gorge Commission and the Forest Service to "protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest to agricultural lands, recreation development or open spaces" [Section 6(d)(2)].

The Act defines forest lands to be those lands "used or suitable for the production of forest products" [Section 6(b)(3)].

Section 17(c) of the Act precludes the regulation of forest practices within the GMA. SMA forest practices, specifically "the management, utilization or disposal of timber resources," are not exempted from regulation stemming from the Act.

## KEY ISSUES

The amount of land used for timber production in Washington and Oregon is on the decline. Public and private forest lands available for harvest are shrinking as a result of a number of factors, including conversion to non-forest uses and allocation of forest land by public agencies to other uses that preclude forest practices. Because public agencies, primarily those dealing with federal lands, are decreasing the acreage of land available for harvest, it is increasingly important that private industrial and non-industrial forest lands are managed and protected for the production of forest products.

Forest lands need to be protected from direct conversion to non-resource use and from conflicts with adjacent land uses that impede accepted forest practices and provide disincentives to forest management. Land divisions in forest lands need to discourage speculation in forest and recreation homesites and provide the opportunity for continuous growing and harvesting in an economically efficient manner. As

with agricultural lands, there are increasing conversion pressures placed upon forest lands from Portland/Vancouver metropolitan area growth and the expansion of tourism and recreation in the central Gorge.

# GMA PROVISIONS

## *GMA Goal*

Protect and enhance lands that are used for or suitable for the production of forest products.

## *GMA Objectives*

1. Use regulations establishing allowable land uses and minimum parcels sizes to prevent fragmentation of forest lands, ensure forest lands are used for forest purposes, and to avoid conflicts between forest lands and adjacent or nearby non-forest uses.

2. Enhance forestry on lands designated Commercial Forest Land or Large or Small Woodland by encouraging consolidation of small, inefficient parcels into more efficient ownerships.

3. Support programs that provide technical support for landowners and forest operators and tax incentives for continued forest use, and that enhance the competitive capabilities of forests. Support programs that encourage forest practices that preserve other natural resources.

## *GMA Policies*

### Designation Policies

1. Those lands that are used for the production of forest products shall be designated as Commercial Forest Land or Large or Small Woodland.

2. Those lands that are capable of growing 50 cubic feet per acre per year or more of merchantable tree species shall be designated as Commercial Forest Land or Large or Small Woodland.

3. In order to protect forest lands from conflicting uses, those lands that are interspersed among and part of other lands that are used or suitable for forestry shall be designated as Commercial Forest Land or Large or Small Woodland.

4. Lands that have been committed by development to other uses shall not be deemed suitable for or used for forestry.

5. Those lands suitable for both forestry and agriculture shall be designated as Commercial Forest Land or Large or Small Woodland if the surrounding area is generally devoted to lands used for the production of forest products.

6. The diversity of forest operations within the National Scenic Area shall be

recognized by establishing different minimum parcel sizes and different dwelling standards that reflect differences in type of forestry operations, considering the following factors:

A. Ownership class (industrial, non-industrial, public, etc.).

B. Productivity of forest land.

C. Size of ownership.

D. Surrounding land use.

E. Proximity to other types of forest land.

F. Availability of structural fire protection services.

7. Forest designations shall include the following:

A. Blocks of forest land shall be designated as Commercial Forest Land if they:

(1) Contain lands in the industrial and public ownership classes that occur in large tracts (predominantly 160 acres or larger), have few residences, and are generally bounded by other lands in the same ownership classes or by lands designated Large Woodland (predominantly 80 acres or larger).

(2) Contain lands in the non-industrial ownership class that occur in large tracts (predominantly 80 acres or larger), have few residences, have no organized structural fire protection services, are capable of growing 85 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by lands in the large non-industrial, public, or industrial ownership classes.

B. Blocks of forest land shall be designated as Large Woodland if they:

(1) Contain lands in the non-industrial ownership class that occur in large tracts (predominantly 80 acres or larger), have few residences, have no organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or by lands in the industrial class.

C. Blocks of forest land shall be designated as Small Woodland if they:

(1) Contain lands in the non-industrial ownership class that occur in smaller tracts (predominantly 20 acres or larger), have organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or lands devoted to non-

forest uses.

D. Small blocks of land that may themselves be deemed Large or Small Woodland shall be designated as Commercial Forest Land if residential development of them would conflict with the use of adjacent Commercial Forest Land or Large-Scale Agriculture land. Small blocks that are adjacent to urban areas, Residential, or Small-Scale Agriculture designations or that are physically buffered by natural or manmade barriers from adjacent Commercial Forest Land or Large-Scale Agriculture designations may be considered for Large or Small Woodland designations.

E. Lands shall be designated as Commercial Forest Land if they are within forest areas that are currently used for or suitable for Large-Scale Agriculture, but would otherwise qualify for designation as Commercial Forest Land or Large Woodland.

**Land Use Policies**

1. Conversion of forest land to agriculture or open space shall be allowed.

2. Conversion of forest land to recreation shall be allowed when consistent with the guidelines established for the Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources).

3. Land divisions of lands designated Commercial Forest Land or Large Woodland shall be allowed to facilitate forest management. No resulting parcel may be less than 80 acres in size.

4. Lands designated Commercial Forest Land or Large Woodland may be divided to facilitate protection of scenic, cultural, natural, or recreation resources. Resulting parcel(s) may be used only for the purpose intended at the time of creation of the parcel(s) or for agriculture or forest use.

5. A minimum size shall be established for the creation of new parcels on lands designated Small Woodland, considering the common size of forest units in the area, the impact on management efficiency, the existing landscape setting, wildlife habitat, and other resource factors.

6. On lands designated Commercial Forest, or Large or Small Woodland that include deer and elk winter range or turkey habitat, new parcels shall be 40 acres or larger in the west end of the National Scenic Area and 80 acres or larger in the east end of the National Scenic Area. In Oregon, the division between the west and east end of the National Scenic Area is the Hood River. In Washington, the division between the west and east end of the National Scenic Area the White Salmon River

7. New dwellings are prohibited on lands designated Commercial Forest and Large Woodland.

8. Single-family dwellings shall be allowed in areas designated Small Woodland when:

    A. A dwelling is shown to be in conjunction with the growing, propagation, and harvesting of forest tree species, or

    B. A dwelling is on a parcel shown not to be eligible for enrollment in the subject state's forest assessment program.

9. Forest lands shall be protected by establishing fire protection standards for new structures located on lands designated Commercial Forest Land or Large or Small Woodland.

## *GMA Guidelines*

### Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Commercial Forest Land, Large Woodland, or Small Woodland.

### Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Commercial Forest Land, Large Woodland, or Small Woodland.

### Review Uses

1. The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

    A. On lands designated Small Woodland, one single-family dwelling on a legally created and existing parcel upon the parcel's enrollment in the appropriate state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.

    B. One single-family dwelling on lands designated Small Woodland if shown to be in conjunction with and substantially contributing to the current agricultural

use of a farm. Guideline 1H of "Review Uses" (Part II, Chapter 1: Agricultural Land) shall be used to determine whether a dwelling is a farm dwelling. The siting of the dwelling shall comply with the "Approval Criteria for Fire Protection" in this chapter.

C. Temporary onsite structures that are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located onsite, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

D. Temporary portable facility for the primary processing of forest products grown on a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

E. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

F. Structures associated with hunting and fishing operations.

G. Towers and fire stations for forest fire protection.

H. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the "Approval Criteria for Fire Protection" in this chapter and the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

I. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.L or Guideline 1.M below.

J. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter and the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed

without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

K. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter and the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

L. On lands designated Commercial Forest or Large Woodland with a dwelling that was legally established and not discontinued, the temporary use of a manufactured home, tiny house on wheels, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines) and the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

M. On lands designed Small Woodland, the temporary use of a manufactured home, tiny house on wheels, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines) and the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

N. A second single-family dwelling on lands designated Small Woodland for a farm operator's relative, subject to Guideline 1.K of "Review Uses" (Part II, Chapter 1: Agricultural Land) and the "Approval Criteria for Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

O. Private roads serving a residence on the subject parcel, subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

P. Recreation development, subject to the guidelines established for the recreation intensity classes (Part I, Chapter 4: Recreation Resources) and the Recreation Development Plan (Part III, Chapter 1).

Q. Agricultural labor housing, under the following conditions:

(1) The proposed housing is necessary and accessory to a current agricultural use on the subject farm.

(2) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed 9 months.

(3) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock, and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(4) The housing is subject to the “Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

R. On lands designated Commercial Forest Land, a temporary manufactured home, tiny house on wheels, or similar structure, in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or to protect the subject forest land from fire. The manufactured home, tiny house on wheels, or similar structure must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the manufactured home, tiny house on wheels, or similar structure is subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.

S. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 3: Natural Resources).

T. Agricultural structures, except buildings, in conjunction with agricultural use, including new cultivation, subject to the "Approval Criteria for Fire Protection" in this chapter.

U. Life estates, subject to the guidelines in "Approval Criteria for Life Estates" in this chapter.

V. Land divisions, subject to the guidelines for minimum parcel sizes in land use Land Use Policies 3 through 6, above, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines).

W. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

X. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

Y. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

Z. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

AA. Commercial events on lands designated Large Woodland or Small Woodland, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

BB. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and the "Approval Criteria for Specified Review Uses" in this chapter.

A. Construction, reconstruction, or modification of roads, utility facilities, and railroads necessary for public service upon a showing that:

(1) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recreation resources and;

(2) the size is the minimum necessary to provide the service.

B. Home occupations in an existing residence or accessory structure, subject to the guidelines in "Home Occupations" (Part II, Chapter 7: General Policies and Guidelines).

C. Fruit and produce stands, upon a showing that sales will be limited to agricultural products primarily grown on the subject farm.

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

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

F. Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

G. Exploration, development, and production of mineral and geothermal

resources, subject to the guidelines in “Review Uses” (Part II, Chapter 7: General Policies and Guidelines).

H. Aquaculture.

I. Boarding of horses. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

J. Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

K. Expansion of existing nonprofit group camps, retreats, or conference centers.

L. Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines) and provided that the residence:

(1) Is included in the National Register of Historic Places, or

(2) In Washington, is listed on the Washington Heritage Register maintained by the Washington Department of Archaeology and Historic Preservation, or

(3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

M. Nonprofit, environmental learning or research facilities.

N. On parcels designated Small Woodland, small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).

O. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

**Approval Criteria for Fire Protection**

1. All uses, as specified, shall comply with the following fire safety guidelines:

A. All buildings shall be surrounded by a maintained defensible space of at least 50 feet. 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. Fuel breaks shall be adjusted to account for site slope, to protect riparian vegetation and other resources, or as recommended by local fire districts, conservation districts, or other professional.

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. 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. Utility supply systems shall be underground whenever possible.

G. Roofs of structures shall be constructed of fire-resistant materials such as metal, fiberglass, or asphalt shingle or tile. Roof materials such as cedar shake and shingle shall not be used.

H. Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be equipped with a spark arrestor that includes at least one screen no coarser than 1/8-inch mesh metal that is noncombustible and corrosion resistant.

I. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the 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 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 30 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.

   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.

## Approval Criteria for Life Estates

1. A landowner who sells or otherwise transfers real property on lands designated Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in the Management Plan. A second dwelling unit on lands designated Small Woodland may be allowed, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

   A. The proposed dwelling is in conjunction with agricultural use, using Guideline

1.H of "Review Uses" (Part II, Chapter 1: Agricultural Land); or

B. The proposed dwelling complies with Guideline 1.B of "Review Uses" in this chapter; and

C. Upon termination of the life estate, the original or second dwelling shall be removed.

**Approval Criteria for Specified Review Uses**

1. The uses identified under Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

   A. The owners of land that is designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture and that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision.

   B. The use will not seriously interfere with accepted forest or agricultural practices on nearby lands devoted to resource use.

   C. The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands.

   D. The use will not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel and will comply with the "Approval Criteria for Fire Protection" in this chapter.

# SMA PROVISIONS

## ***SMA Goal***

Protect and enhance forest lands for forest uses.

## ***SMA Policies***

1. Only lands determined used for or suitable for the production of commercial forest products shall be designated Forest land.

2. Lands that have greater than 10 percent of their area covered by commercial species of timber and that meet the definition of suitability (see glossary) are considered suitable for Forest land designation.

3. All new development and land uses shall protect natural, scenic, cultural, and recreation resources.

4. A site plan shall be prepared by the applicant prior to any forest practice.

5. The Forest Service shall, in collaboration with county and state regulatory agencies, review site plans for forest practices for compliance with SMA forest practice guidelines. The Forest Service review of the site plans shall include the following analysis:

   A. Protection of the scenic resources: analysis of potential impacts, including cumulative effects, to scenic values as viewed from the key viewing areas.

   B. Protection of the cultural resources: analysis of potential impacts to the cultural resources, including cumulative effects.

   C. Protection of the natural resources: analysis of potential impacts, including cumulative effects, to the natural resources.

   D. Protection of the recreational resources: analysis of potential impacts to the recreational resources, including cumulative effects.

6. Forest Service review decisions on forest practices are subject to review by the Regional Forester.

7. New dwellings shall not be permitted on parcels of land less than 40 contiguous acres in size.

8. New dwellings shall only be allowed if shown to be necessary for and accessory to forest use, with an approved forest management plan, or necessary for and accessory to agricultural use, as specified in Part II, Chapter 1: Agricultural Land.

9. Research and development programs that protect and develop markets for secondary manufacturing and increased utilization of wood products and use of other miscellaneous forest products from the National Scenic Area are encouraged and will be supported by the Forest Service.

10. Use of Forest Land for agriculture, open space, and public recreation shall be allowed and shall comply with the appropriate land use designation policies and guidelines. Use of Non-Federal Land for commercial recreation is allowed and shall comply with the provisions in Part I, Chapter 4: Recreation Resources.

11. Conversion of lands designated Forest Land to Agriculture or Open Space is allowed.

12. Chemical use in conjunction with all forest practices shall conform with existing local, state, and federal laws and regulations relating to the use of chemicals.

13. Fire protection siting guidelines and standards for dwellings shall be developed by the county to protect forest resources from wildfires.

14. Forest landowners shall be encouraged to develop plans for long-term management of their property to protect and enhance the forest resource.

15. The Forest Service shall work with local landowners to provide technical assistance for planning mitigation measures necessary for forest practices and to explain potential federal land acquisition options.

16. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

17. Forest management of National Forest System lands shall be for the purpose of ecosystem management and forest health.

18. Forest practices on National Forest System lands in the General Management Area shall comply with the Special Management Area forest practice guidelines.

## ***SMA Guidelines***

### Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Forest.

### Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Forest.

### Review Uses

1. The following uses may be allowed on lands designated Forest subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines. The use or development shall be sited to minimize the loss of land suitable for the production of forest products:

    A. All review uses allowed for in Part II, Chapter 1: SMA Agricultural Land.

    B. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of 1.W of this chapter.

    C. Railroad and road construction or reconstruction.

    D. Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or

harvest commercial forest products in the SMAs.

E. Silvicultural nurseries.

F. Utility facilities for public service, upon a showing that:

(1) There is no alternative location with less adverse effect on Forest Land.

(2) The size is the minimum necessary to provide the service.

G. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

H. Fish hatcheries and aquaculture facilities.

I. Public recreation, commercial recreation, interpretive and educational development, and uses consistent with the provisions of Part I, Chapter 4: Recreation Resources.

J. One single family dwelling on a parcel of 40 contiguous acres or larger if an approved forest management plan demonstrates that such a dwelling is necessary for and accessory to forest uses. The forest management plan shall demonstrate the following:

(1) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement indicates a relationship between ongoing forest management and the need for a dwelling on the subject property.

(2) The subject parcel is enrolled in the appropriate state's forest assessment program.

(3) A plan for management of the parcel is approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the appropriate county. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute toward the successful management of the property.

(4) The parcel has no other dwellings that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.

(5) The dwelling complies with county dwelling, siting, and state/county fire protection guidelines.

(6) A declaration is signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

K. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.L or Guideline 1.M below.

L. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

M. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(3) The height of any individual accessory building shall not exceed 24 feet.

N. Home occupations, subject to the "Home Occupations" guidelines in Part II, Chapter 7: General Policies and Guidelines.

O. Temporary portable facilities for the processing of forest products.

P. Towers and fire stations for forest fire protection.

Q. Community facilities and nonprofit facilities related to forest resource management; or expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall

be prohibited.

R. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured home or dwelling structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

S. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

T. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

U. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

V. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

W. Clearing trees for new agricultural use with the following steps and subject to the following additional guidelines:

(1) A Stewardship Plan shall be submitted and deemed complete by the local government and submitted to the Forest Service for review. (See Stewardship Plan Requirements).

(2) Clearing trees for new agricultural use shall be limited to 15 acres.

(3) If the Stewardship Plan proves that the above guideline is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of Guidelines 1.W(4)(a-d) below and subject to Guideline 1.W(9).

(4) After a 30-day public comment period, the Forest Service shall review the Stewardship Plan using the following criteria:

(a) Scenic Resource guidelines in Review Uses 1.X(4)(a) and (g) in this chapter.

(b) Applicable Chapter I Cultural, Natural and Recreational Resource guidelines.

(c) The Natural Resource Conservation Service (NRCS) soil unit

description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.

(d) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.

(5) The Forest Service shall send the review statement to the appropriate local government planning office. The Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.

(6) The local government will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the Forest Service.

(7) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or local government until a decision on the new agricultural use is issued from the local government.

(8) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.

(9) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

X. Forest practices in accordance with an approved forest practices application (see application requirements) and subject to the additional guidelines in this chapter.

(1) The following information, in addition to general site plan requirements (see Part II, Chapter 7: General Policies and Guidelines) shall be required:

(a) Delineate the following on a recent aerial photo or detailed map:

(i) The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

(ii) Other important natural features of the subject parcel such as

steep areas, streams, wetlands, rock outcrops, etc.

(iii) Road and structure construction or reconstruction location.

(iv) Location of proposed rock or aggregate sources.

(v) Major skid trails, landings, and yarding corridors.

(vi) Commercial firewood cutting areas.

(vii) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(b) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(c) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in Review Uses 1.X(4)(a-g) and 1.X(5)(a-d).

(d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(e) Road and structure construction or reconstruction design.

(f) Existing and proposed rock pit development plans.

(g) A discussion of slash disposal methods.

(h) A reforestation plan as reviewed by the appropriate state forest practices agency.

(2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

(3) Stewardship Plan Requirements: The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements (see Part II, Chapter 7: General Policies and Guidelines) shall be provided:

(a) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.

(b) Describe the time frame and steps planned to reach the long term goals.

(c) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and forest health. The following shall be addressed:

(i) Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.

(ii) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.

(iii) Give a clear explanation of how a deviation from the applicable guidelines may better achieve forest health objectives.

(iv) Give a clear explanation of how and why the proposed activities will move the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.

(d) For clearing trees for new agricultural use, the following shall be addressed in addition to X(3)(a) and (b) above:

(i) Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

(ii) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in W(4)(a-d) in this chapter.

(iii) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.

(iv) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

(4) For forest practices, the following scenic resource guidelines shall apply:

(a) Forest practices shall meet the design guidelines and scenic standards for the applicable landscape setting and zone (See Required SMA Scenic Standards table, SMA Guidelines for Development Visible from KVAs, SMA Scenic Resource Provisions, Part I, Chapter I).

(b) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service.

(c) In the western portion (to the White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service.

(d) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in Natural Resources guidelines in Review Uses 1.X(5)(a)-(c) in this chapter.

(e) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in Natural Resources guidelines in Review Uses 1.X( 5)(a)-(c) in this chapter.

(f) The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table.

(i) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(ii) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(g) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from KVAs.

(5) Forest practices shall maintain the following in addition to applicable natural resources guidelines in Part I, Chapter 3, SMA Natural Resources:

(a) Silvicultural prescriptions shall maintain the desired natural forest

stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

(b) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed under the scenic resource guideline in Review Uses 1.X(4)(f).

(c) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

(d) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall demonstrate why a deviation from the snag and down wood requirements is required.

## DESIRED FOREST STRUCTURE AND PATTERN

| 1 | 2 | 3 | | 4 | | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|---|
| **Vegetation Type#** | **Forest Structure** (Average % total canopy closure (cc))* | **Typical Forest Opening s Size** Disturbance caused | | **Percent Openings at One Time** | | **Leave Trees** Includes all available remnant old forest | **Average Down Wood** Pieces 30 ft long per acre (scattered) | **Average Snags** (Conifers) No. per acre Snags are 20-40 ft in height |
| | | **Historic (Natural)** | **Desired** | **Historic (Natural)** | **Desired** | | | |
| **West Conifer** | 60-80% canopy closure<br><br>Understory layer variable (0-60% of total cc) | Variable sizes with mosaic pattern, irregular shapes<br><br>Mosaic fire 1-100 acres<br><br>Catastrophic fire over 100 acres | Retain forested character Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs)<br><br>All openings 1 acre or less on National Forest land and all Open Space LUD<br><br>Openings retain 15 - 40 % canopy closure | 10% (mosaic fire) up to 55% (catastrophic fire)<br><br>Intense fire return interval is 300 yrs | Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting<br><br>Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings | Leave 15% of existing trees per acre throughout opening and in clumps<br><br>Include 3 trees per acre of the largest size trees available | 18 - 25 pieces greater than 20” dbh | 10 snags at 10” - 20” dbh, and 7 snags greater than 20” dbh |
| **East Conifer** (Ponderosa Pine/Douglas fir) | 40-80% canopy closure<br><br>Understory layer less than 25% of total cc | Few Openings due to low intensity fires \\¼ to 2 acres | Openings less than 1 acre<br><br>Openings have 0 - 40% canopy closure<br><br>Openings widely dispersed | 1 -10% | 1 - 10%<br><br>(% by vegetation type) | No leave trees required | 3 - 6 pieces greater than 20” dbh | 5 snags at 10”-20” dbh and 3 snags greater than 20” dbh |
| **Ponderosa Pine/ Oregon Oak** | 25-60% canopy closure<br><br>Understory layer greater than 25% of total cc. | Most natural openings due to poor soil<br><br>Disturbance openings few | Openings less than 1 acre Openings have 0 - 25% canopy closure<br><br>Openings widely dispersed | 1 -10% | 1 - 10%<br><br>(% by vegetation type) | No leave trees required | 1 - 3 pieces greater than 20” dbh | 5 snags at 10” - 20” dbh and 3 snags greater than 20” dbh<br><br>Oak snags can be counted if already dead or partially dead |

# Map available at the Forest Service National Scenic Area Office
* Does not apply to openings.
Dbh: Diameter at Breast Height

CHAPTER

# 3

# Open Space

The Columbia Gorge's diverse open space resources have in large part accounted for its reputation for superlative scenery, unique and varied ecosystems and habitats, rich heritage, and quality recreation opportunities.
Unlike remote wilderness areas, the Gorge has long been a major transportation and commercial corridor, containing within its bounds major highways, federal dams, railroads, and numerous settlements. Despite this, many of its inspiring vistas, historic sites, and natural areas remain intact. These open spaces typify the features of the Gorge that make it such a special place. They offer a glimpse into a region blessed with outstanding resources, yet readily accessible for public enjoyment and enrichment.

## NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act calls upon the Gorge Commission to "protect and enhance open spaces." The Act also requires the Gorge Commission to designate land suitable for the protection and enhancement of open spaces. The Act [Section 2(l)] defines open spaces to include:

1. Scenic, cultural, and historic areas;
2. Fish and wildlife habitat;
3. 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;
4. Ecologically and scientifically significant natural areas;
5. Outstanding scenic views and sites;
6. Water areas and wetlands;
7. Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
8. Potential and existing recreation resources; and
9. Federal and State wild, scenic, and recreation waterways.

## KEY ISSUES

Open spaces represent some of the most significant and sensitive resources in the National Scenic Area.

In some cases, the resources are so sensitive and significant that they cannot be protected through regulation and their protection requires designating the land

where they reside as Open Space. Some of the traditional land uses in the Gorge, such as farming, forestry, mining and residential development, could threaten the integrity of these important and potentially vulnerable resource areas. The protection and enhancement needs of these resources pose a significant challenge in the Management Plan.

The need to retain reasonable economic uses on private lands while protecting open space resources presents a particularly difficult issue. In response, the Gorge Commission and Forest Service have applied the Open Space designation with great care, where it is the only effective way of meeting the Act's mandates.

# GMA PROVISIONS

## *GMA Goal*

Protect the most significant and sensitive scenic, cultural, natural, and recreation resources on unimproved lands from conflicting uses through avoidance, and enhance the resources where appropriate.

## *GMA Objectives*

1. Use regulations to avoid adverse effects of new development and land uses on and adjacent to land designated Open Space.
2. Encourage the Secretary of Agriculture to revise the boundaries of SMAs to include private lands in the GMA that are designated Open Space and that lie adjacent to or nearby an existing SMA boundary.
3. Encourage Congress to establish a new SMA to protect the remarkable scenic, cultural, natural, and recreation resources of the GMA Gorge Walls and Canyonlands Open Space area along the Historic Columbia River Highway between Hood River and Mosier.
4. Work with owners of lands designated Open Space to develop a program of stewardship that protects Open Space resources and achieves landowner objectives. Where consistent with landowner objectives, the stewardship program should encourage appropriate public and private agencies to acquire interests in Open Space lands and should inform landowners of tax and other incentive programs.

## *GMA Policies*

### Designation Policies

1. Only the most significant and sensitive scenic, cultural, natural, and recreation resources shall be designated as Open Space.
2. Land shall be designated as Open Space only if the use limitations are consistent with landowner objectives, or if all of the following circumstances exist:

    A. Uses authorized by alternative designations threaten a documented resource.

    B. Protection of the resource is demonstrably in the public interest over the long term.

    C. All reasonable alternative means that might protect the resource and achieve

landowner objectives have been considered and found not to provide adequate protection for the resource.

D. No lands with improvements exist within the boundaries of the Open Space.

E. Landowners have reasonable economic uses of the balance of their properties.

3. Improved lands shall not be designated Open Space. For purposes of this chapter, improved lands are those upon which a structure or use subject to county ad valorem property taxation is constructed or is being undertaken.

4. Open Space designation shall be applied to those most outstanding scenic areas that are highly visible in the foreground or middle ground from the Columbia River or scenic travel corridors and that are sensitive to uses that the Gorge Commission may not manage by regulation (such as forest practices).

5. Generally, well defined geographic areas that possess large concentrations of cultural resources shall be designated Open Space.

6. Undeveloped portions of state park lands suitable for low-intensity recreation and unsuitable for major recreation facilities shall be designated Open Space.

7. Those wetlands with remarkable values, such as sensitive wildlife habitat or rare plant species that are susceptible to disturbance from use and development shall be designated Open Space.

8. Open Space designations shall be applied to those most significant and sensitive natural areas that are susceptible to disturbance from use and development.

9. Habitat areas of animal species that are classified as endangered or threatened by federal or state endangered species acts or the relevant state wildlife commission may be designated Open Space.

**Land Use Policies**

1. Uses authorized on private land designated Open Space shall be allowed with landowner permission only.

2. Uses may be allowed in areas designated Open Space that can be undertaken without adverse effect to the resources to be protected.

## *GMA Guidelines*

**Uses Allowed Outright**

1. The uses listed in "Uses Allowed Outright, GMA and SMA Open Space" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Open Space.

**Uses Allowed through the Expedited Development Review Process**

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) may be allowed with review through the expedited development review process on lands designated Open Space.

**Review Uses—All Lands Designated Open Space**

1. The following uses may be allowed on all lands designated Open Space subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

    A. Low-intensity recreation, subject to the guidelines for Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources).

    B. Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources.

    C. Improvement, not including expansion, of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

    D. Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.

    E. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

    F. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

    G. Lot line adjustments, subject to compliance with the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

**Review Uses—Specific Lands Designated Open Space**

**Gorge Walls and Canyonlands**

1. The following uses may be allowed on lands designated Open Space for Gorge Walls and Canyonlands subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

    A. Livestock grazing.

B. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

C. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.

D. Harvesting of wild crops.

E. Educational or scientific research.

F. Continued operation of existing quarries, if they are determined to be consistent with guidelines to protect scenic, cultural, natural, and recreation resources.

G. All those uses allowed in "All Lands Designated Open Space," above.

**Mosley Lakes Natural Area**

1. The following uses may be allowed on lands designated Open Space for the Mosley Lakes Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.

   B. Educational or scientific research, after consultation with the Washington Natural Heritage Program.

   C. Commercial trapping.

   D. All those uses allowed in "All Lands Designated Open Space," above.

**Chenoweth Table Natural Area**

1. The following uses may be allowed on lands designated Open Space for the Chenoweth Table Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Low-intensity recreation, subject to the guidelines for Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources), after consultation with the Oregon Biodiversity Information Center.

   B. Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon Biodiversity Information Center.

   C. Educational or scientific research, after consultation with the Oregon Biodiversity Information Center.

D. All those uses allowed in "All Lands Designated Open Space," above.

**Squally Point Natural Area**

1. The following uses may be allowed on lands designated Open Space for the Squally Point Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources), after consultation with the Oregon Biodiversity Information Center.

   B. Repair and maintenance of railroads, except measures to stabilize dunes, after consultation with the Oregon Biodiversity Information Center.

   C. Except as limited by Guideline 1.A above, all those uses allowed in "All Lands Designated Open Space," above.

**Klickitat River Wildlife and Natural Area**

1. The following uses may be allowed on lands designated Open Space for the Klickitat River Wildlife and Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Low-intensity recreation, subject to the guidelines for Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources), after consultation with the Washington Natural Heritage Program and Washington Department of Wildlife.

   B. Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.

   C. Educational or scientific research, after consultation with the Washington Natural Heritage Program.

   D. All those uses allowed in "All Lands Designated Open Space," above.

**Balch Lake Wetlands Area**

1. The following uses may be allowed on lands designated Open Space for the Balch Lake Wetlands Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Livestock grazing, subject to a range conservation plan, after consultation with the Washington Department of Wildlife.

   B. Fish and wildlife management uses conducted by federal, state, or tribal

resource agencies.

C. Educational and scientific research, after consultation with the Washington Department of Wildlife.

D. Low-intensity recreation, subject to the guidelines for Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources), after consultation with the Washington Department of Wildlife.

E. All those uses allowed in "All Lands Designated Open Space," above.

**Mouth of Wind River Wildlife Area**

1. The following uses may be allowed on lands designated Open Space for the Mouth of Wind River Wildlife Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

   B. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

   C. Harvesting of wild crops.

   D. Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.

   E. Commercial fishing and trapping.

   F. Low-intensity recreation, subject to the guidelines for Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources), after consultation with the Washington Department of Wildlife.

   G. All those uses allowed in "All Lands Designated Open Space," above.

**State Park Recreation Areas**

1. The following uses may be allowed on lands designated Open Space on those portions of state park ownerships not suitable for major recreation facilities subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

   A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

   B. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

C. Harvesting of wild crops.

D. Educational or scientific research.

E. All those uses allowed in "All Lands Designated Open Space," above.

## SMA PROVISIONS

### ***SMA Goal***

Protect and enhance open space values.

### ***SMA Policies***

1. Open Space shall be designated to provide special protection for sensitive scenic, cultural, recreational, and natural resources, and for sensitive or representative ecosystems.

2. Only unimproved lands shall be designated Open Space.

3. Open Space designation shall include the following subcategories:

   A. **Open Space/Scenic** protects the natural appearance of lands with high scenic values. These include areas of outstanding natural beauty, such as cliff faces, steep bluffs, canyons, water features, and tributary river corridors.

   B. **Open Space/Natural** protects wetlands, areas supporting ecologically and scientifically significant plant communities, and significant natural areas. Most of these areas contain concentrations of threatened, endangered, sensitive, and endemic plants, and sensitive plant associations that are rare or unusual.

   C. **Open Space/Wildlife** protects sensitive and unique habitat values and threatened, endangered, sensitive, and endemic species. These lands include habitat for significant wildlife species such as spotted owl, pine marten, pileated woodpecker, and anadromous fisheries.

   D. **Open Space/Cultural** protects concentrations of cultural resources. These lands contain known and potential significant concentrations of cultural resources.

4. An Open Space plan shall be developed for each Open Space area for protection and enhancement of resources in that area.

5. The Forest Service will facilitate the formation of partnerships with appropriate local, state, and federal agencies and private organizations, which will be encouraged to design and implement management programs to enhance Open Space values.

6. Educational and interpretive programs shall be encouraged to promote understanding and enhancement of resources, where these programs do not diminish the Open Space values.

7. New development and land uses not included in the Open Space guidelines, including commercial forest practices, most structural development, and intensive recreation development, shall be prohibited in Open Space areas.

8. Federal and state agencies shall review Open Space areas to determine their potential for classification as research natural areas or state natural areas.

9. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

10. If requested, the Forest Service shall help locate mapped boundaries of Open Space areas in cases of new land uses or development.

## ***SMA Guidelines***

### **Uses Allowed Outright**

1. The uses listed in "Uses Allowed Outright, GMA and SMA Open Space" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Open Space.

### **Uses Allowed through the Expedited Development Review Process**

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Open Space.

### **Review Uses**

1. An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:

   A. Direction for resource protection, enhancement, and management.

   B. Review of existing uses to determine compatibility with Open Space values.

   C. Consultation with members of the public and with agency and resource

specialists.

2. The following new uses may be allowed on lands designated Open Space subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines:

   A. Changes in existing uses, including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.

   B. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include vegetation management and forest practices (subject to the forest practice guidelines of Part II, Chapter 2: Forest Land) for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

   C. Low-intensity recreation uses and development, including educational and interpretive facilities, consistent with Part I, Chapter 4: Recreation Resources.

   D. Utility facilities for public service, upon a showing that:

      (1) There is no alternative location with less adverse effect on Open Space land.

      (2) The size is the minimum necessary to provide the service.

   E. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

   F. Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

      (1) Noxious weed infestation is new and eradication is still viable.

      (2) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

         (a) Displacement of native and traditionally gathered plants;

         (b) Degradation of wildlife habitat and forage;

         (c) Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

         (d) Limitation of recreational uses.

      (3) For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.

CHAPTER

# 4

# Residential Land

The Gorge is currently home to more than 55,000 people, the majority living in cities, towns and communities along the Columbia River.

Rural residential development has taken a marked upturn as people seek rural lifestyles and recreation homesites.
Modern highways and technology are permitting many more people to pursue a rural lifestyle within reach of the amenities provided by local and regional service centers.

## NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act encourages future residential development to occur in the urban areas, but also allows for rural residential development. The Act directs the Gorge Commission and Forest Service to "require that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area" [Section 6(d)(8)].

Sections 6(d)(1) and (2) of the Act do not allow agriculture and forest lands to be converted to residential use. Section 6(b)(6) requires the Gorge Commission designate areas "used or suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities."

## KEY ISSUES

The National Scenic Area Act encourages development, including residential, to locate within the 13 urban areas. This helps strengthen existing cities and towns, while reserving lands outside the urban areas for principally agriculture, forest, recreation use and resource protection. The National Scenic Area Act requires that agricultural and forest lands be protected. It does not include similar provisions for residential lands.

Residential use can also conflict with other resources that the National Scenic Area protects, including existing and planned recreation use, natural resources such as plant and wildlife habitat and wetlands on adjacent lands, cultural resources, and scenic resources.

These mandates in the Act generate perhaps the most significant residential planning issues in the National Scenic Area. Much of the land in the National Scenic Area not already committed to residential use and not too steep for development is either used or suitable for agriculture

or forest use And may be highly visible or adjacent to water resources. These lands are often highly capable of supporting residential development. As a result, demand for rural residential development can conflict with National Scenic Area mandates for protection of resource lands. In addition to these locational factors, the density of residential development can affect protected resources.

Enclaves of rural residential development have long existed outside urban areas at Corbett, Bridal Veil, Skamania, Underwood, and Rowena. Many other areas adjoin urban areas, such as Murray's Addition adjacent to The Dalles and Murdock adjacent to Dallesport.

The designation and density of these committed lands and other areas for residential use must take into account all of the requirements for resource protection in the National Scenic Area and proximity to emergency and other public services and avoidance of hazards.

# GMA PROVISIONS

## *GMA Goals*

1. Ensure that residential development outside urban areas does not adversely affect scenic, cultural, natural, and recreation resources.

2. Ensure that residential development outside of urban areas protects agricultural and forest land for agricultural and forest uses.

3. When designating lands for residential use, consider their physical characteristics and their geographic proximity to transportation, commercial facilities, and other amenities; proximity to emergency and other public services; and avoiding hazards.

## *GMA Objectives*

1. Require most residential development to occur in areas already committed to residential use.

2. Allow limited residential development in areas not already committed to residential use when that development does not adversely affect scenic, cultural, natural, and recreation resources, does not conflict with agricultural and forest lands, and where natural hazards can be managed to protect life and property.

3. Encourage landowners to use voluntary programs that provide guidance for avoiding the effects of natural hazards, when implementing those programs is consistent with protection of scenic, cultural, natural, and recreation resources and agricultural and forest lands.
4. Use regulation to avoid adverse effects to protected resources from residential development and land uses.

## *GMA Policies*

### Designation Policies

1. Those lands currently devoted to residential use and other lands that are nearby and committed to residential use shall be designated as Residential.

2. Residential development shall not adversely affect adjacent lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.

3. In determining whether an area is committed to residential use, the following factors shall be considered:

A. The relationship between a parcel and adjacent lands.

B. Existing public facilities and services, including, but not limited to, existing sewer and water service, police protection, fire protection, school bus routes, and roads.

C. Parcel size(s) and ownership patterns. An examination must include a review of contiguous and non-aggregated ownerships that may, as constituent parcels, be used together for agriculture or forest use.

D. Natural or manmade features or impediments separating an area from resource lands.

E. The physical development of an area. An area may be physically developed to the extent that it is no longer available for resource use. This factor by itself does not commit an area to residential use.

F. Evaluation of the long-term, cumulative impacts of residential development on resources. The factors to be considered include, but are not limited to, conversion of adjacent agricultural and forest lands; compatibility with adjacent uses; impacts on water quality and quantity; effects on services; and impacts on scenic, cultural, natural, or recreation resources.

G. Other factors that would make agriculture or forest use impracticable.

## Land Use Policies

1. Minimum parcel sizes for land divisions shall be established, based upon the following factors:

   A. Avoidance of hazards, including, but not limited to, steep slopes, fire danger, and groundwater pollution.

   B. Adequacy of services, including, but not limited to, transportation, fire protection, police protection, schools, sewage disposal and water.

   C. Protection of the following:

      (1) Existing landscape setting.

      (2) Wildlife habitat.

      (3) Plant habitat.

      (4) Scenic sensitivity.

      (5) Cultural resources.

      (6) Wetlands.

(7) Scenic travel corridors.

D. Potential for conflict with nearby agricultural and forest uses.

E. Proximity to existing and planned recreation uses.

2. The following minimum parcel sizes shall be established:

A. A 1-acre minimum for those lands designated Residential where single-family, residential development generally occurs at a density of one dwelling unit per acre or greater. Because these residential areas are generally linked to an adjacent Rural Center or urban area, the relatively high densities have a minimal impact on the factors listed in Policy 1, above.

B. A 2-acre minimum for those lands designated Residential where parcelization and existing residential development occur at a density greater than 5 acres and in a landscape setting where a rural character is somewhat retained. These lands occur in large-enough blocks to minimize the impacts on adjacent agriculture and forest lands. A 2-acre minimum shall not be established in such areas if the potential number of new parcels that could be created would have an adverse cumulative impact upon the factors listed in Policy 1, above.

C. A 5- or 10-acre minimum for those lands designated Residential that are situated in areas where a higher density would conflict with the factors listed in Policy 1, above. A 10-acre minimum shall be established where a 5-acre minimum would result in an adverse cumulative impact on one or more of the factors listed in Policy 1, above.

3. Adjacent agricultural and forest lands shall be protected from residential development.

4. New residential development within Residential designations located adjacent to forest land designations shall comply with the guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).

5. Except as specifically identified, all legally created, undeveloped parcels are entitled to one single-family dwelling, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources. The location of a second dwelling unit on a parcel is not permitted, except in the case of a qualified temporary hardship dwelling.

6. The reviewing agency shall provide information on Firewise standards to landowners at the time of application. Landowners shall be encouraged to incorporate Firewise standards in their proposal as appropriate and as consistent with the resource protection provisions in the Management Plan.

# *GMA Guidelines*

## Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Residential.

## Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Residential.

## Review Uses

1. The following uses may be allowed on lands designated Residential, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources:

    A. One single-family dwelling per legally created and existing parcel. If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, the use shall comply with the buffer and notification requirements for agricultural land (Part II, Chapter 1) or forest land (Part II, Chapter 2). If the subject parcel is located within a Residential designation that is adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).

    B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.C below.

    C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

        (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

        (2) The height of any individual accessory building shall not exceed 24 feet.

    D. The temporary use of a manufactured home, tiny house on wheels, or similar structure in the case of a family hardship, subject to guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7:

General Policies and Guidelines).

E. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 3: Natural Resources).

F. Agricultural structures, in conjunction with agricultural use, including new cultivation.

G. Land divisions, subject to the Land Use Policy 2, above, and the guidelines in "Land Divisions" (Part II, Chapter 7: General Policies and Guidelines).

H. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

I. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

J. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

K. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

L. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

M. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

N. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

O. Special uses in historic buildings, subject to the guidelines in "Special Uses in Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Residential, subject to compliance with the guidelines for protection of scenic, cultural, natural, and recreation resources and "Approval Criteria for Specified Review Uses," below.

A. Accredited childcare centers within lands designated 1-acre Residential or 2-acre Residential. A childcare center may be allowed in other Residential designations within an existing church or community building.

B. Schools within an existing church or community building.

C. Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

D. Construction and reconstruction of roads, utility facilities, and railroads.

E. Home occupations in an existing residence or accessory structure, subject to the guidelines in "Home Occupations" (Part II, Chapter 7: General Policies and Guidelines).

F. Fire stations.

G. Recreation development, subject to the guidelines established for Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources).

H. Community parks and playgrounds.

I. Bed and breakfast inns in single family dwellings located on lands designated 5-acre Residential or 10-acre Residential, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines).

J. Overnight accommodations in single family dwellings located on lands designated 5-acre Residential or 10-acre Residential, subject to the guidelines in "Overnight Accommodations" (Part II, Chapter 7: General Policies and Guidelines).

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

L. Wine and cider sales and tasting rooms in conjunction with an on-site winery or cidery, under the following conditions:

(1) The use shall comply with the guidelines in "Home Occupations" (Part II, Chapter 7: General Policies and Guidelines), with the following exceptions:

(a) The use may employ an unlimited number of outside employees.

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

(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.

(d) The exterior space may be a veranda, patio, or other similar type of structure.

M. Small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).

N. Boarding of horses on lands designated 10-acre Residential. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

**Approval Criteria for Specified Review Uses**

1. The uses identified in Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

   A. The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area; traffic generation; and noise, dust, and odors.

   B. The proposed use will not require public services other than those existing or approved for the area.

   C. If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use comply with the buffer guidelines in "Agricultural Buffer Guidelines" (Part II, Chapter 1: Agricultural Land).

   D. If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use comply with the fire protection guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).

# SMA PROVISIONS

## *SMA Goal*

Allow concentrated residential development only at Rowena Dell and Latourell.

## *SMA Policies*

1. New land divisions shall be prohibited.

2. New multifamily dwellings shall be prohibited.

3. Any new dwelling within the SMA Residential land use designation shall be on a parcel at least 40 acres in size. *(Added: U.S. Sec. Ag. concurrence 7/1/11)*

4. Existing uses of dwelling units in Rowena Dell will continue as allowed in Chapter 7 – General Policies and Guidelines, Existing Uses and Discontinued Uses. *(Revised: U.S. Sec. Ag. concurrence 7/1/11)*

5. At Latourell, contiguous lots under the same ownership as of November 17, 1986, are considered consolidated into a single parcel. Splitting of these consolidated parcels, including lot line adjustment, shall be prohibited.

6. New structures shall not adversely affect scenic, cultural, recreation, or natural resources.

7. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

## *SMA Guidelines*

### Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Residential.

## Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Residential.

## Review Uses

1. The following uses may be allowed on lands designated Residential subject to review for compliance with scenic, cultural, natural, and recreation resources guidelines.

   *A.* One single-family dwelling per legally created lot or consolidated parcel not less than 40 contiguous acres. The placement of a dwelling shall comply with fire protection standards developed by the county, in accordance with SMA Policy 13 in Part II, Chapter 2: Forest Land. *(Revised: U.S. Sec. Ag. concurrence 7/1/11)*

   B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.C below.

   C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The height of any individual accessory building shall not exceed 24 feet.

   D. New utility facilities.

   E. Fire stations.

   F. Home occupations subject to the guidelines in "Home Occupations" (Part II, Chapter 7: General Policies and Guidelines).

   G. Bed and breakfast inns, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines).

   H. Community parks and playgrounds.

   I. Road and railroad construction and reconstruction.

J. Forest practices, as specified in Part II, Chapter 2: Forest Land.

K. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

L. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured home or dwelling structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

M. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

N. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

O. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

P. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of 1.W of Part II, Chapter 2: Forest Land.

CHAPTER

# 5

# Commercial Land

There have been centers of trade and commerce in the Gorge for almost as long as humans have inhabited it. Native Americans were renowned traders.

With the exception of a few small community commercial nodes, the commercial centers are located within the 13 designated urban areas. Some of the urban areas— Stevenson, Hood River, White Salmon-Bingen, and The Dalles—are commercial centers that serve both local and regional needs. The other urban areas and the two rural centers designated in the Management Plan are smaller and serve as rural community service centers.

## NATIONAL SCENIC AREA ACT PROVISIONS

The National Scenic Area Act gives clear direction for commercial development in the Gorge: it is to be encouraged to locate within the 13 urban areas identified by Congress. The Act directs the Gorge Commission to "protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with" protecting and enhancing scenic, cultural, recreational, and natural resources [Section 3(2)].

The Act directs the Gorge Commission to "require that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area" [Section 6(d)(7)].

New commercial development is not permitted in SMAs, except for commercial recreation. When located outside the urban areas, commercial development shall be designated for areas outside SMAs "used or suitable for commercial development: *Provided,* That such designations shall encourage, but not require, commercial development to take place in urban areas and shall take into account the physical characteristics of the areas in question and their geographic proximity to transportation, commercial, and industrial facilities and other amenities" [Section 6(b)(5)].

## KEY ISSUES

Commercial development in the National Scenic Area should reinforce the Act's orientation of promoting and protecting the vitality of urban areas, the long-standing centers of commercial trade in the Gorge. Planning provisions need to encourage major commercial development to locate in the 13 urban areas.

Commercial development does occur outside the urban areas. There are a few small commercial nodes and, quite noticeably, two rural communities that act as rural service centers and gathering places. These existing commercial areas provide important services to local communities and visitors and need to be protected.

Maintaining commercial uses to a rural scale helps to serve the rural communities without competing with urban areas. Home occupations and bed and breakfast inns associated with residential use are other uses that can help the rural economy without adversely affecting nearby resources outside of these commercial areas.

# GMA PROVISIONS

## *GMA Goals*

1. Protect and support the economy of the Columbia River Gorge by encouraging commercial uses to occur in existing urban areas.

2. Protect and support the economy of the Columbia River Gorge by allowing limited new commercial uses outside of urban areas where they will not adversely affect scenic, cultural, natural, or recreation resources.

## *GMA Objectives*

1. Allow commercial development to occur where commercial activity existed prior to the National Scenic Area Act, where that activity does not adversely affect scenic, cultural, natural, or recreation resources or conflict with the standards for the Management Plan in section 6(d) of the Act.

2. Allow commercial development that provides essential public services for residents and for the traveling public, where provision of those public services must necessarily be provided outside of urban areas.
3. Allow commercial development and uses that support the protection of scenic, cultural, natural, and recreation resources.

## *GMA Policies*

### Designation Policies

1. Designation for commercial uses shall be given to those areas outside urban areas that are suited for such uses by physical characteristics, such as slope, and geographic proximity to transportation, commercial and industrial facilities, and other amenities.

2. Areas outside urban areas shall be designated as Commercial where commercial use took place in the immediate past or is now taking place and would not adversely affect scenic, cultural, natural, or recreation resources. A commercial use shall be considered to have taken place in the immediate past if it has been active and has not been discontinued for more than 1 year.

3. Areas shall be designated as Rural Center that act as service centers and gathering places for concentrations of rural residences and that have all of the following characteristics:

   A. Node of existing commercial uses, or an existing commercial core.

   B. Substantial concentration of rural residences.

C. Public, noncommercial gathering place such as a grange hall.

D. School.

E. Fire station.

F. Location along a major travel corridor.

G. Definable area within which these characteristics occur.

## Land Use Policies

1. Commercial uses may be allowed outside urban areas on lands designated Rural Center, Commercial, or Commercial Recreation (Part II, Chapter 6: Recreation Designations) or as allowed in the Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources).

2. In Rural Centers, commercial uses may be allowed of a type and scale appropriate to serve the needs of the rural community and limited tourist needs. Such commercial uses shall be limited to small-scale tourist commercial and community commercial to ensure that they do not change the rural character of the community or compete with nearby urban areas for the tourist trade.

3. Residential designations and densities in the vicinity of Rural Centers shall be established to limit the need for additional community commercial uses and community services to those lands that are currently available within the boundaries of existing Rural Centers.

4. On lands designated Commercial, single-family dwellings and uses that cater to the traveling or visiting public may be allowed.

5. Home occupations may be allowed if they are compatible with the surrounding area.

6. The minimum size for new parcels created for commercial uses within a Rural Center shall be based upon the site requirements (sewerage, parking, building size, etc.) for the proposed use. Parcel size shall be determined by the local government on a case-by-case basis.

7. The minimum size for new parcels created for residential uses within a Rural Center shall be 1 acre. To encourage the efficient use of land, provide public amenities and standards for quality developments, and reduce the cost of providing services within Rural Centers, local governments may allow a minimum parcel size of less than 1 acre within Rural Centers if a planned unit development approach is used for the subject parcel, incorporating features such as consolidated access and commonly shared open areas.

8. Commercial uses located outside urban areas and Rural Centers shall be limited to a scale that serves local community and tourist needs.

9. Overnight accommodations may be allowed in Rural Centers and Commercial designations. Overnight accommodations may be located in 5-acre Residential and 10-acre Residential designations.

10. Bed and breakfast inns may be allowed in Rural Centers and Commercial designations. Bed and breakfast inns may be located in 5-acre Residential and 10-acre Residential designations. Historic dwellings located outside the Rural Centers, Commercial, 5-acre Residential and 10-acre Residential designations may be considered for use as bed and breakfast inns.

11. Proposed projects should be encouraged to follow planned unit development approaches, featuring consolidated access, commonly shared landscaped open areas, etc.

## *GMA Guidelines*

### Uses Allowed Outright: Rural Centers and Commercial Designations

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Rural Center and Commercial.

### Uses Allowed through the Expedited Development Review Process: Rural Centers and Commercial Designations

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Rural Center and Commercial.

### Review Uses: Rural Centers

1. The following uses may be allowed within Rural Centers, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:

    A. One single-family dwelling per legally created and existing parcel.

    B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.C below.

    C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

D. The temporary use of a manufactured home, tiny house on wheels, or similar structure in the case of a family hardship, subject to guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

E. Duplexes.

F. Fire stations.

G. Libraries.

H. Government buildings.

I. Community centers and meeting halls.

J. Schools.

K. Accredited childcare centers.

L. Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.

(1) Grocery stores.

(2) Variety and hardware stores.

(3) Shops, offices, and repair shops.

(4) Personal services such as barber and beauty shops.

(5) Bed and breakfast inns.

(6) Restaurants.

(7) Taverns and bars.

(8) Gas stations.

(9) Gift shops.

M. Overnight accommodations.

N. Home occupations in an existing residence or accessory structure, subject to guidelines in "Home Occupations" (Part II, Chapter 7: General Policies and Guidelines).

O. Utility facilities, roads, and railroads.

P. Recreation development, subject to the guidelines established for Recreation Intensity Classes (Part I, Chapter 4: Recreation Resources).

Q. Places of worship.

R. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources).

S. Agricultural structures, in conjunction with agricultural use, including new cultivation.

T. Land divisions, subject to Land Use Policies 6 and 7, above, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines).

U. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

V. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

W. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

X. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

Y. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

Z. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

AA. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

## Review Uses: Commercial Designations

1. The following uses may be allowed on lands designated Commercial, subject to compliance with the guidelines for protection of scenic, cultural, natural, and recreation resources and "Approval Criteria for Specified Review Uses," below.

   A. Overnight accommodations.

   B. Bed and Breakfast Inns

   C. Restaurants.

   D. Gift shops.

   E. Home occupations in an existing residence or accessory structure, subject to guidelines in "Home Occupations" (Part II, Chapter 7: General Policies and Guidelines).

   F. One single-family dwelling per legally created and existing parcel.

   G. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

   H. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The height of any individual accessory building shall not exceed 24 feet.

   I. Utility facilities, roads, and railroads.

   J. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

   K. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

L. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

M. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

N. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

O. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

P. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

**Approval Criteria for Specified Review Uses**

1. The uses identified under "Review Uses: Commercial Designations" may be allowed only if they meet the following two criteria:

   A. The proposal is limited to 5,000 square feet of floor area per building or use.

   B. The proposed use would be compatible with the surrounding area. Review for compatibility shall include impacts associated with the visual character of the area; traffic generation; and noise, dust and odors.

CHAPTER

# 6

# Recreation Designations

This chapter contains land use policies and guidelines for lands designated Public Recreation and Commercial Recreation. Recreation uses may also be authorized in other land use designations. The guidelines in Part I, Chapter 4: Recreation Resources apply to all resource-based recreation uses; the guidelines in this chapter apply to uses located in the Public and Commercial Recreation designations.

This chapter is divided into three sections. A section addressing land uses and development actions on lands designated Public Recreation in the GMA is followed by a similar section for lands designated Commercial Recreation in the GMA. These two sections are followed by a section on lands designated Public Recreation in the SMAs.

# GMA PROVISIONS

## PUBLIC RECREATION

### ***GMA Goal***

Protect and enhance opportunities for publicly-owned, moderate- and high-intensity resource-based recreation uses on lands most suitable for such uses.

### ***GMA Objectives***

1. Use regulations to ensure that public recreation uses are protected from the development of non-compatible uses on adjacent properties.

2. Provide opportunities for public access to resource-based recreation uses.

### ***GMA Policies***

1. The following lands shall be designated as Public Recreation:

    A. Existing public park and recreation sites providing moderate- or high-intensity recreation uses.

    B. Those public lands suitable for moderate- or high-intensity recreation uses, where provision of such uses is consistent with adopted policies, plans, and programs of the owning or managing agency.

    C. Those privately owned lands most potentially suitable for provision of moderate- or high-intensity public recreation uses.

2. Lands shall be considered highly suitable for Public Recreation designation if they possess significant potential for providing two or more of the following opportunities, are readily accessible, and lack hazards or highly sensitive resources:

    A. River access.

    B. Possibility of multiple recreation uses.

    C. Scenic appreciation.

    D. Facilities satisfying a demonstrated public recreation need.

E. Trailhead.

F. Enhancement of scenic, natural, and cultural resources.

3. Uses other than those providing public recreation opportunities shall be allowed if they do not interfere with existing or approved recreation uses on the subject site or adjacent lands, and do not permanently commit the site to non-recreation uses.

4. Commercial uses shall be allowed if they are part of an existing or approved public recreation use and are consistent with the policies and guidelines contained in this chapter for private concessions and commercial uses at recreation sites.

## ***GMA Guidelines***

### **Uses Allowed Outright**

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Public Recreation.

### **Uses Allowed through the Expedited Development Review Process**

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Public Recreation.

### **Review Uses**

1. The following uses may be allowed on lands designated Public Recreation, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and compliance with numbers 1.A, 1.C, 1.D, 1.E, 1.F, 1.G, 1.H, and 1.I (where applicable) of the "Approval Criteria for Recreation Uses" contained in the Recreation Intensity Class guidelines (Part I, Chapter 4: Recreation Resources):

   A. Publicly-owned, resource-based recreation uses, consistent with Recreation Intensity Class policies and guidelines (Part I, Chapter 4: Recreation Resources).

   B. Commercial uses and non-resource based recreation uses that are part of an existing or approved resource-based public recreation use, consistent with the policies, guidelines, and conditional use criteria for such uses contained in this section.

   C. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources).

   D. Special uses in historic buildings, subject to the guidelines in “Special Uses in

Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Public Recreation, subject to compliance with the "Approval Criteria for Non-Recreation Uses in Public Recreation designations," below, and the guidelines for the protection of scenic, natural, cultural, and recreation resources:

   A. One single-family dwelling for each existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

   B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 2.C below.

   C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The height of any individual accessory building shall not exceed 24 feet.

   D. Agricultural structures in conjunction with agricultural use.

   E. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

   F. Utility transmission, transportation, communication, and public works facilities.

   G. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

   H. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

   I. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

J. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

K. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

3. Land divisions may be allowed, subject to compliance with criterion 1.C under "Approval Criteria for Non-Recreation Uses in Public Recreation," below, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines).

4. Lot line adjustments may be allowed, subject to compliance with the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

**Approval Criteria for Non-Recreation Uses in Public Recreation**

1. The uses identified under Guidelines 2 and 3 under "Review Uses," above, may be allowed if they meet the following criteria:

   A. The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigative measures used to comply with this criterion may include provision of onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.

   B. The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structures and other improvements may be used to comply with this criterion.

   C. Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance, or otherwise improve recreational uses on the site.

## COMMERCIAL RECREATION

### ***GMA Goal***

Protect and enhance opportunities for commercially owned, resource-based recreation and supporting commercial uses on lands containing such existing uses or lands on which such proposed uses have been deemed consistent with the National Scenic Area Act.

### ***GMA Policies***

1. Those lands devoted to resource-based, commercial recreation uses and those lands highly suitable for such uses shall be designated as Commercial Recreation.

2. Lands may be considered highly suitable for Commercial Recreation uses if they

have the following characteristics:

A. The site offers an outstanding opportunity for active, resource-based, river-oriented recreation or a unique opportunity for some other type of active, resource-based recreation. Examples of such opportunities and uses include: access (e.g. swimming, windsurfing, boating, and picnicking) to the Columbia River or its major tributaries; access to an outstanding sport fishery on the main stem of the Columbia River or a major tributary; access to the only natural hot springs in the National Scenic Area (uniqueness criterion); etc.

B. The site is classified in the Management Plan as Recreation Intensity Class 3 or 4, as defined in Part I, Chapter 4: Recreation Resources.

C. Potential development on the site would not adversely affect sensitive wildlife habitat or plants, wetlands, or aquatic or riparian areas. This may be achieved by either designing the development to avoid areas containing such resources or by applying mitigation measures that reduce effects on such resources to less than adverse levels.

D. Potential development on the site would not adversely affect significant cultural resources. This may be achieved by either designing the development to avoid areas containing such resources or by applying mitigation measures that reduce effects to such resources to less than adverse levels.

E. Potential development on the site would not have cumulative adverse effects upon scenic, cultural, natural or recreation resources, considering other development (existing or authorized in the Management Plan) in the National Scenic Area or in the vicinity of the development.

*3.* Overnight recreation accommodations (in addition to campgrounds) shall be allowed if they are rural in scale, such as cabins or cottages, and are closely associated with resource-based recreation opportunities located onsite or on adjacent lands that are accessed through the site. This policy shall not apply to a recreation resort.

4. Uses other than those providing commercially owned, resource-based recreation opportunities shall be allowed if they do not interfere with existing or approved recreation uses on the subject site or adjacent lands and do not permanently commit the site to non-recreational uses.

5. Commercial uses (such as restaurants) shall be allowed if they are part of an existing or approved commercial recreation use and are consistent with the policies and guidelines for private concessions and commercial uses at recreation sites contained in this chapter.

*6.* Redevelopment of an existing industrial complex as a recreation resort may be allowed if the result is protection of and enhancement to scenic, cultural, natural and recreation resources, and the redevelopment does not affect or modify the treaty or other rights of the four Columbia River treaty tribes. All uses must be

part of an approved master plan and consistent with the policies and guidelines for recreation resorts contained in this chapter.

A. The overall scale of a resort shall be limited to ensure the resort protects and supports the economies of urban areas and protects National Scenic Area resources. The total number of resort users shall be roughly equivalent to what is otherwise allowed in the designation.

B. All existing industrial uses shall be extinguished. All structures associated with the existing industrial complex that are not reused or restored for adaptation to resort use shall be removed. Existing residential uses may remain.

C. Recreation uses (including campgrounds) consistent with the Recreation Intensity Class guidelines associated with the recreation resort may extend to contiguous and adjacent lands under other land use designations if consistent with the adjacent land use designation and the recreation intensity class policies and guidelines. All recreation development shall be included in the resort master plan.

D. All accommodation units shall be designed for, and uses limited to, short-term occupancy to ensure the resort protects and supports the economies of urban areas.

E. Commercial uses shall be limited to ensure the resort protects and supports the economies of urban areas. Commercial uses shall be oriented toward serving resort guests and recreation site users rather than the traveling public.

F. The general scale (height, dimensions and overall mass) of buildings in the resort core may be compatible with the scale of the buildings located within the existing industrial complex prior to redevelopment as a recreation resort.

H. The recreation resort shall be compatible with the surrounding areas.

## ***GMA Guidelines***

### **Uses Allowed Outright**

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Commercial Recreation.

### **Uses Allowed through the Expedited Development Review Process**

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Commercial Recreation.

**Review Uses**

1. The following uses may be allowed on lands designated Commercial Recreation, subject to compliance with guidelines for the protection of scenic, natural, cultural and recreation resources and compliance with numbers 1.A, 1.C, 1.D, 1.E, 1.F, 1.G, 1.H, and 1.I (where applicable) of the "Approval Criteria for Recreation Uses" contained in the Recreation Intensity Class guidelines (Part I, Chapter 4: Recreation Resources):

   A. Commercially owned, resource-based recreation uses, consistent with Recreation Intensity Class policies and guidelines (Part I, Chapter 4: Recreation Resources).

   B. Overnight recreation accommodations that are part of a commercially owned, resource-based recreation use, where such resource-based recreation use occurs on the subject site or on adjacent lands that are accessed through the site, and that meet the following standards:

      (1) Buildings containing only one unit shall be no larger than 1,500 square feet in total floor area and no higher than 2-1/2 stories.

      (2) Buildings containing more than one unit shall be no larger than 5,000 square feet in total floor area and no higher than 2-1/2 stories.

      (3) The total number of individual units shall not exceed 25, unless the proposed development complies with standards for clustered accommodations in subsection (4) of this guideline.

      (4) Clustered overnight recreation accommodations meeting the following standards may include up to 35 individual units:

         (a) Average total floor area of all units is 1,000 square feet or less per unit.

         (b) A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas).

         (c) The facility is in an area classified in the Management Plan as Recreation Intensity Class 4, as defined in Part I, Chapter 4: Recreation Resources.

   C. Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and non-resource based recreation uses that are part of an existing or approved resource-based commercial recreation use, consistent with the policies, guidelines, and conditional use criteria for such uses contained in this section.

D. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources).

E. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Commercial Recreation, subject to compliance with the "Approval Criteria for Non-Recreational Uses in Commercial Recreation," below, and the guidelines for the protection of scenic, natural, cultural, and recreation resources:

A. One single-family dwelling for each existing parcel legally created prior to adoption of the first Management Plan on October 15, 1991.

B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 2.C below.

C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

D. Agricultural structures, in conjunction with agricultural use.

E. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).

F. Utility transmission, transportation, and communication facilities.

G. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

H. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

I. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

J. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

K. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).

3. Land divisions may be allowed, subject to compliance with criterion 1.C under "Approval Criteria for Non-Recreational Uses in Commercial Recreation," below, and the guidelines in “Land Divisions” (Part II, Chapter 7: General Policies and Guidelines).

4. Lot line adjustments may be allowed, subject to compliance with the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

5. Recreation resorts may be allowed on lands designated Commercial Recreation that include an existing industrial complex, subject to compliance with the following approval criteria, and the guidelines for the protection of scenic, natural, cultural, and recreation resources. All uses on lands with an approved recreation resort shall be subject to the following limitations:

A. Uses Allowed: All commercial development (except for privately owned, public use resource-based recreation uses) and accommodations within a recreation resort shall be located within the resort core. Recreation facilities associated with the recreation resort shall be included on the resort master plan and may extend to contiguous and adjacent lands under other land use designations only if consistent with the land use designation and the Recreation Intensity Class policies and guidelines (Part I, Chapter 4: Recreation Resources).

(1) Accommodations that are part of a recreation resort shall meet the following standards:

(a) The total number of accommodation units and campground sites shall not exceed that approved by the resort master plan.

(b) The average size of accommodation units shall not exceed 1,300 square feet. Individual accommodation units shall be no larger than 1,600 square feet in total floor area.

(c) No unit shall contain more than one kitchen.

(d) Parking shall be predominantly in common lots or structures and accessed through shared driveways. Individual accommodation units shall not have separate or attached garages.

(e) All accommodation units shall have design and use restrictions that

effectively limit their use to short-term occupancy and that require occupancy to be limited to no more than 45 days in any 90 day period.

(2) Commercial uses that are part of a recreation resort shall meet the following standards:

(a) Commercial uses shall be located predominantly within and oriented internally toward the center of the resort core or to serve adjacent recreation areas, rather than at or toward the resort perimeter.

(b) Commercial uses are limited to restaurants and pubs, a mini-mart, recreation equipment rental, and other small-scale retail and guest services. Conference and meeting facilities may be permitted.

(c) Gas stations, banks, grocery stores, or other services commonly found in urban areas or catering to the traveling public shall not be permitted.

(d) Commercial uses shall be sized and oriented to primarily serve resort guests and recreation-site users rather than the traveling public.

(3) Notwithstanding GMA Guideline 2 of the GMA Overall Scenic Provisions, new recreation resort buildings located within the resort core may be compatible with the general scale (height, dimensions and overall mass) of industrial buildings that existed within the existing industrial complex.

(a) The cumulative footprint of all recreation resort buildings located within the resort core shall not exceed that of buildings located within the existing industrial complex at the time of application.

(b) Buildings shall not exceed 2-1/2 stories in height.

(4) Land divisions for the purpose of selling individual accommodation units shall not be permitted within the resort core.

B. Application for a recreation resort shall include the following materials in addition to those required large-scale review uses by Part I: Resource Protection and Enhancement:

(1) A master plan including the contents listed in subsection C(1), below. The master plan shall include all areas where recreational, commercial, and resort uses are proposed and where mitigation and enhancement measures are planned or necessary.

(2) A traffic impact study meeting the applicable local or state department of transportation standards that projects future conditions for each phase and after the project is completed.

(3) A description of economic impacts of resort development prepared by a qualified economist that includes:

(a) Assessment of effects on public services and emergency response needs.

(b) Assessment of net economic effect on surrounding communities and counties that takes into account public services costs, job creation, effect on tax base, and commercial activity in nearby urban areas.

(4) An engineering assessment of impact on community water facilities and surface water quality due to projected water use and treatment methods at resort build-out.

(5) Assessment of effects on existing recreation resources at and adjacent to the resort that evaluates:

(a) Types of recreation resources and levels of current use.

(b) Existing site conditions and recreation site capacity, including parking, safety, river access, and on-river conditions.

(c) Projected additional use and effect on existing recreation areas due to recreation resort development, by phase and at full build-out.

(d) Potential effect on the quality of the recreation experience at adjacent recreation sites; including effects due to potential changes in parking, traffic, public health and safety due to recreation resort development.

(e) Identification of potential mitigation and enhancement actions that would improve the quality of the experience for current and projected levels of use.

(6) Assessment of effect on surrounding areas. Review of impacts at a minimum shall include the visual character of the area, traffic generation, emergency response, fire risk and lighting.

(7) A delineation of the boundary of the existing industrial complex, and an inventory of existing development within the complex, including the dimensions and locations of all buildings.

C. All development within the recreation resort shall be based on a master plan. Master plans shall be sufficiently detailed to enable the reviewing agency to confirm the guidelines of this section will be met through the development.

(1) The resort master plan shall include:

(a) Land use plan: This shall designate uses for all areas within the development. This shall also include a delineation of the resort core.

(b) Building design plan: This shall describe the location, materials, colors, and dimensions of all structures proposed.

(c) Landscape plan: This shall identify all areas where existing vegetation is to be removed and retained, and describe proposed landscape plantings, species and size of plants used, as well as irrigation and landscape maintenance plans.

(d) Traffic circulation plan: This shall describe all road way and parking locations, widths, and surfacing materials.

(e) Roadway improvement plan: This shall describe all on-site and off-site improvements necessary to mitigate traffic impacts and enhance driver and pedestrian safety in the vicinity of the resort.

(f) Grading and drainage plan: This shall indicate existing and proposed contours throughout the redevelopment area. Stormwater drainage routes and facilities shall also be indicated on this plan.

(g) Infrastructure development plan: This shall describe the location, size, basic design, funding mechanisms, and operational plans for water, sewer, power, and emergency services.

(h) Construction phasing plan: This shall indicate intended phasing of development of the project, if any, including anticipated initiation and completion dates for each component of the development. This shall also discuss how the project will function at interim stages prior to completion of all phases, and how the resort may operate successfully and meet its resource protection and enhancement commitments should development cease before all phases are completed.

(i) Resource protection and enhancement plan: This shall describe and indicate proposed measures that will be implemented to protect and enhance scenic, natural, cultural and recreation resources, including measures necessary to mitigate impacts identified through assessments required by this section.

(2) Reviewing agencies shall develop procedures for master plan and phase approval, time extension, and revision consistent with the following:

(a) Construction of all phases of the master plan shall be completed within 12 years from the date of approval. A reviewing agency may grant one extension of time, not to exceed three years, to the validity of the master plan if it determines that events beyond the control of the applicant prevented completion of all phases of the master plan.

(b) The initial phase of the master plan shall be commenced within 3 years of master plan approval by the reviewing agency. The reviewing agency may approve one extension of time, not to exceed two years, to initiate the initial phase if it determines that events beyond the control of the applicant prevented commencement of the phase.

(c) The reviewing agency shall review each phase of the master plan for consistency with the master plan prior to any construction on that phase. The review for consistency shall be an administrative decision. Each phase of the master plan shall be completed within

three years from the date the reviewing agency determines that phase is consistent with the master plan. The reviewing agency may grant one extension of time, not to exceed two years, if it determines that events beyond the control of the applicant prevented completion of that phase.

(d) The reviewing agency may approve minor changes to the findings, conclusions, and conditions of approval for master plans and phases if the change is deemed to be consistent with the guidelines of this section and does not generate new significant potential impacts not previously addressed in the original review. Approval or denial of a request for a minor change or extension shall be an administrative decision.

D. Development Standards: The applicant shall demonstrate and the reviewing agency shall make findings that determine the following standards are met through development under the approved master plan for the recreation resort:

(1) Master Plan:

(a) Removal: The first phase of recreation resort development shall result in the elimination of industrial uses and removal of all portions of the industrial complex that are not planned for use as part of the resort. Existing residential uses may remain.

(b) Infrastructure: The recreation resort shall provide its own sewer, water and internal circulation system, including roads. The development shall accommodate mass transportation to access the site and adjacent recreation areas.

(c) On-site and off-site infrastructure impacts shall be fully considered and mitigated. Mitigation may include assessment of impact fees, provision of community facilities within or adjacent to the resort. The reviewing agency may require that some or all reasonable and negotiated costs, expenses or charges associated with the alteration, construction or improvement of public services and facilities shall be the responsibility of the applicant.

(d) Phasing: Each phase shall be self-sufficient, in conjunction with existing elements of the resort. Transportation, parking, utilities, landscaping, as well as recreation mitigation and enhancements for each phase shall be satisfied within each phase and shall not be dependent upon a future phase.

(i) Each phase of the development shall be designed to be completed within two years of the commencement of construction for that phase.

(ii) Off-site recreation mitigation and enhancement shall be included in the first phase and completed prior to occupancy of resort buildings and initiation of a second phase.

(iii) On-site recreation mitigation and enhancement shall be developed in proportion to the type and amount of development in each phase.

(e) Landscaping necessary to screen development from key viewing areas shall be sized to provide sufficient screening to make development of each phase visually subordinate within 5 years or less from the commencement of construction of that phase, except for landscaping necessary to screen development from the section of SR 14 passing through the resort core. Such landscaping may be sized to provide sufficient screening to make development visually subordinate within 10 years from the commencement of construction of each phase. Landscaping for each phase shall be installed as soon as possible and prior to phase completion.

(f) Bonding sufficient to ensure remediation and clean up of the site and completion of resource enhancements identified in the master plan is required.

(2) Potentially adverse impacts of a recreation resort on surrounding areas shall be mitigated.

(a) Traffic, safety, and circulation impacts shall be mitigated in conformity with reviewing agency requirements. For each phase of the proposed development, the developer shall make road and intersection improvements to maintain traffic levels of service existing prior to each phase. The developer shall ensure that in no event may it cause the public road system to operate below a level-of-service (LOS) C for intersection delay during the peak traffic hour. LOS C standards shall be determined based on the most recently adopted version of the Highway Capacity Manual (Transportation Research Board).

(b) Reviewing agencies may apply additional restrictions on noise, odor, lighting and water treatment in order to mitigate identified impacts.

(3) Recreation resources on the subject property shall be protected and enhanced by the development of the recreation resort. Recreation resources on adjacent lands and nearby areas shall be protected.

(a) Potentially adverse impacts to adjacent recreation sites due to the development shall be mitigated.

(b) Recreation enhancements shall include, but are not limited to, measures that address existing site conditions and provide new or expanded facilities that are open to the public.

(c) Resource protection and enhancement plans shall address at a minimum:

(i) Improvements to recreation user areas.

(ii) New or improved access to recreation sites.

(iii) Parking improvements and other potential methods to reduce parking demand at adjacent recreation sites by resort guests, such as shuttles or parking restrictions.

(iv) Cooperative agreements with the management of adjacent recreation sites to jointly address potential adverse impacts.

(v) Establishment of mitigation funds to be applied to improvements at public recreation sites.

(vi) Development of secondary activities, such as spectator seating, development of recreational trials, interpretation sites and trails.

(4) Scenic resources shall be protected and enhanced by the development of the recreation resort. All new development, including additions or re-use of existing structures for resort use shall be visually subordinate as visible from key viewing areas. Enhancements may include, but are not limited to: removal of visually discordant structures and building materials not associated with the existing industrial complex, grading and vegetative restoration of previously disturbed areas and permanent protection of undeveloped lands in the master plan area or adjoining lands in the same ownership.

(5) Cultural resources shall be protected and enhanced by development of the recreation resort. Cultural resource reconnaissance survey procedures and standards for large-scale uses are applicable to recreation resort development. Enhancements may include, but are not limited to, interpretive displays, restoration or adaptive re-use of historical

structures.

(6) Natural resources shall be protected and enhanced by the development of the recreation resort. Enhancements may include, but are not limited to, habitat improvements, permanent protection of undeveloped lands, water- quality improvements.

(7) Development of the recreation resort shall not affect or modify the treaty or other rights of the four Columbia River treaty tribes. This requires determination that the policies for “River Access and Consistency with Tribal Treaty Rights” in Part I, Chapter 4: Recreation Resources, and the guidelines in Part IV, Chapter 3: Indian Treaty Rights and Consultation have been met by the application and development plan.

**Approval Criteria for Non-Recreational Uses in Commercial Recreation**

1. The uses identified under Guidelines 2 and 3 under "Review Uses," above, may be allowed if they meet the following criteria:

   A. The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigative measures used to comply with this criterion may include provision of onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.

   B. The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.

   C. Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance, or otherwise improve recreational uses on the site.

# SMA PROVISIONS

## PUBLIC RECREATION

### ***SMA Goal***

Protect and enhance lands that are suitable for public recreation.

### ***SMA Policies***

1. Public recreation shall be natural resource based.
2. All existing developed public recreation sites providing moderate- or high-intensity uses shall be designated as Public Recreation.
3. Recreation development shall meet the guidelines set forth in Part I, Chapter 4: Recreation Resources.
4. All new land uses and developments shall protect the scenic, natural, cultural, and recreation resources.
5. Opportunities for moderate and intensive natural resource-based recreation development shall be protected by applying a Public Recreation designation.
6. No new dwellings shall be permitted on parcels of less than 40 contiguous acres.
7. Dwellings shall only be allowed when they meet the conditions described for Agricultural Land (Part II, Chapter 1) or Forest Land (Part II, Chapter 2), or when they are shown to be necessary for public recreation site management purposes.
8. New commercial recreation facilities shall not be permitted.
9. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

### ***SMA Guidelines***

#### **Uses Allowed Outright**

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Public Recreation.

**Uses Allowed through the Expedited Development Review Process**

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Public Recreation.

**Review Uses**

1. The following uses may be allowed on lands designated Public Recreation subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines:

   A. Forest uses and practices, as allowed for in Part II, Chapter 2: Forest Land, except Forest Land Review Uses 1. I, 1.L, 1.M, and 1.V.

   B. Public trails, consistent with the provisions in Part I, Chapter 4: Recreation Resources.

   C. Public recreational facilities, consistent with the provisions in Part I, Chapter 4: Recreation Resources.

   D. Public nonprofit group camps, retreats, conference or educational centers, and interpretive facilities.

   E. One single-family dwelling on a parcel of 40 contiguous acres or larger when it meets the conditions described for Agricultural Land (Part II, Chapter 1) or Forest Land (Part II, Chapter 2), or when shown to be necessary for public recreation site management purposes.

   F. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.G below.

   G. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

      (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

      (2) The height of any individual accessory building shall not exceed 24 feet.

   H. Home occupations, as specified in Part II, Chapter 7: General Policies and Guidelines.

I. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

J. Road and railroad construction and reconstruction.

K. Utility facilities for public service upon a showing that:

(1) There is no alternative location with less adverse effect on Public Recreation land.

(2) The size is the minimum necessary to provide the service.

L. Agricultural review uses, as allowed for in Part II, Chapter 1: Agricultural Land, except Agricultural Land Review Uses 1.H, 1.I, 1.T, and 1.AA.

M. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured home, tiny house on wheels, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).

N. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

O. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

P. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).

CHAPTER

# 7

# General Policies and Guidelines

The policies and guidelines in this chapter provide more detailed guidance for uses authorized in many (or all) designations, as well as for uses which either are exempt from regulation under the National Scenic Area Act, or allowed without a National Scenic Area review.


| **Chapter 7: General Policies and Guidelines** | **Page** |
|---|---|
| Savings Policies | II-7-[#] |
| Standards for Applications, Expiration of Approvals, Vested Rights | II-7-[#] |
| Existing Uses and Discontinued Uses | II-7-[#] |
| Consolidation of Lots | II-7-[#] |
| Uniform Application of Management Plan | II-7-[#] |
| Applying New Less-Stringent Regulations to Development Approved Under Prior National Scenic Area Regulations | II-7-[#] |
| Uses Allowed Outright | II-7-[#] |
| ▪ All Land Use Designations Except Open Space and Agriculture-Special | II-7-[#] |
| ▪ GMA and SMA Open Space | II-7-[#] |
| Expedited Development Review Process | II-7-[#] |
| Emergency/Disaster Response Actions | II-7-[#] |
| Land Divisions | II-7-[#] |
| Lot Line Adjustments | II-7-[#] |
| Agricultural Buildings | II-7-[#] |
| Temporary Use Hardship Dwelling | II-7-[#] |
| Sewer and Water Services | II-7-[#] |
| Docks and Boathouses | II-7-[#] |
| Home Occupations | II-7-[#] |
| Overnight Accommodations | II-7-[#] |
| Bed and Breakfast Inns | II-7-[#] |
| Small-Scale Fishing Support and Fish Processing Operations | II-7-[#] |
| Resource Enhancement Projects | II-7-[#] |
| Disposal Sites for Spoil Materials from Public Road Maintenance Activities | II-7-[#] |
| Commercial Events | II-7-[#] |
| Industrial Development | II-7-[#] |
| Variances from Setbacks and Buffers | II-7-[#] |
| Vegetation Control Methods | II-7-[#] |
| Review Uses | II-7-[#] |
| Columbia River Bridge Replacement | II-7-[#] |
| Special Uses in Historic Buildings | II-7-[#] |
| Renewable Energy Production | II-7-[#] |

# SAVINGS POLICIES

These policies summarize the direction in the National Scenic Area Act that the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the National Scenic Area Act not affect certain uses that take place in the National Scenic Area.

1. The Gorge Commission and Forest Service shall protect treaty and other rights of Indian tribes. No new developments or land uses or other actions implementing the National Scenic Area Act may interfere with the exercise of those rights.

2. Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes, shall be exempt from regulation. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as in lieu or treaty fishing access sites pursuant to Public Law 79-14 and Public Law 100-581 before or after the effective date of the Management Plan. For those in lieu or treaty fishing access sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.

3. Rights to surface or ground water is exempt from regulation.

4. Water transportation activities on the Columbia River or its tributaries is exempt from regulation. The term "activities" includes those facilities necessary for navigation.

5. The operation, maintenance, and modification of existing transmission facilities of the Bonneville Power Administration is exempt from regulation.

6. Neither the Management Plan nor land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act may affect laws, rules, or regulations pertaining to hunting or fishing.

7. Neither the Forest Service nor the Gorge Commission may establish any buffer zones or protective perimeters outside the boundaries of the National Scenic Area.

8. The operation, maintenance, and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the offsite disposal of excavation material, shall be exempt from regulation.

9. In the GMA, the rights and responsibilities of non-federal timber landowners under the Forest Practices Acts of Washington and Oregon, or under county regulations that supersede those acts, is exempt from regulation under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act.

# STANDARDS FOR APPLICATIONS, EXPIRATION OF APPROVALS, VESTED RIGHTS

## ***GMA/SMA Guidelines***

### Standards for Applications

1. Complete Application Required: Any proposed use, development or structure shall be reviewed according to the standards in effect on the date an applicant submitted a complete land use application to the reviewing agency. A complete application is one that the reviewing agency determines meets the Management Plan's requirements for: (1) a complete application form, (2) a complete site plan showing the proposed site (site plans with alternative sites or building envelopes are not sufficient), and (3) all applicable information specified in the parts of the Management Plan titled Resource Protection and Enhancement, Land Use Designations, and Indian Treaty Rights and Consultation. Incomplete applications shall not be reviewed.

### Expiration of Approvals

1. Notice Not Required: Expiration of any land use approval issued pursuant to this Management Plan shall be automatic. Failure to give notice of expiration shall not affect the expiration of a land use approval.

2. Land Use Approvals without Structures: Any land use approval issued pursuant to this Management Plan for a use or development that does not include a structure shall expire two years after the date the land use approval was granted, unless the use or development was established according to all specifications and conditions of approval in the land use approval. For land divisions, "established" means the final deed or plat has been recorded with the county recorder or auditor.

3. Land Use Approvals with Structures**:** Any land use approval issued pursuant to this Management Plan for a use or development that includes a structure shall expire as follows:

    A. When construction has not commenced within two years of the date the land use approval was granted, or

    B. When the structure has not been completed within two years of the date of commencement of construction.

4. Commencement of Construction: As used in 3.A above, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and development without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

5. Completion of Structure: As used in 3.B above, completion of the structure shall

mean (1) completion of the exterior surface(s) of the structure and (2) compliance with all conditions of approval in the land use approval.

6. Extension of Validity of Land Use Approvals: A request for extension of the time frames in Guidelines 2, 3.A or 3.B, above, shall be submitted in writing before the applicable expiration date.

   A. A reviewing agency may grant one 12-month extension to the validity of a land use approval if it determines that events beyond the control of the applicant prevented commencement of the use or development (applicable to 2 above) or commencement of construction (applicable to 3.A above) within the original two-year time frame.

   B. An agency may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented completion of the structure (applicable to 3.B above) within the original two-year time frame.

   C. A request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

   D. Approval or denial of a request for extension shall be considered an administrative decision.

7. Vested Rights: The laws of the states of Oregon and Washington concerning vested rights shall not apply in the National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

## EXISTING USES AND DISCONTINUED USES

### ***GMA/SMA Guidelines***

1. Right to Continue Existing Uses and Structures: Except as otherwise provided, any existing use or structure may continue as long as it is used in the same manner and for the same purpose.

2. Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in Guideline 3 below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

   A. The replacement structure shall have the same use as the original structure.

   B. The replacement structure may have a different size or location than the original structure. An existing manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a

manufactured home.

C. The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.

D. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one-year time frame.

3. Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

A. The replacement structure shall have the same use as the original structure. An existing manufactured home may be replaced with a framed residence.

B. The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if all the following conditions exist:

(1) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.

(2) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.

(3) The new building site complies with the cultural resources, natural resources, and treaty rights guidelines.

C. The replacement structure shall be the same size and height as the original structure, provided:

(1) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure. The footprint of a structure includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure.

(2) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code. Height is generally defined as the greatest vertical distance between the lowest finished grade adjoining any exterior wall and the highest point of the roof.

D. The replacement structure shall only be subject to the following scenic resources standards:

(1) The replacement structure shall comply with the guidelines regarding color and reflectivity (Part I, Chapter 1: Scenic Resources). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

(2) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.

(3) In the General Management Area, the replacement structure shall comply with the GMA guidelines regarding landscaping (Part I, Chapter 1: Scenic Resources). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable.

(4) In the Special Management Areas, the replacement structure shall comply with the SMA guidelines regarding landscaping (Part I, Chapter 1: Scenic Resources). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

(a) Use of plant species appropriate for the area and minimum sizes of new trees needed to achieve the standard (based on average growth rates expected for the recommended species) are required. Examples of native specific are identified in the *Scenic Resources Implementation Handbook* as appropriate to the area..

(b) The height of any new trees shall not be required to exceed 5 feet.

(c) The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

E. The replacement structure shall be subject to Guidelines 2.A, 2.B, and 2.C above if it would not comply with Guidelines 3.B and 3.C above.

F. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year

time frame.

4. Changes to Existing Uses and Structures**:** Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

   A. Conversion of Existing Industrial Uses in the GMA: In the GMA, existing industrial uses may convert to less intensive uses. For this section, a less intensive use is a commercial, recreation, or residential use with fewer adverse effects upon scenic, cultural, natural, and recreation resources.

   B. Existing Development or Production of Mineral Resources in the SMAs: Uses involving the exploration, development, and production of sand, gravel, or crushed rock in the SMAs may continue if both of the following conditions exist:

      (1) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the SMAs.

      (2) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural, or recreation resources.

   C. Solid Waste Disposal Sites and Sanitary Landfills in the SMAs: Solid waste disposal sites or sanitary landfills are not allowed in the SMAs.

5. Discontinuance of Existing Uses and Structures: Except as provided in Guidelines 3 above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

   A. Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

   B. Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.

6. Discontinued Uses and Structures: Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

# CONSOLIDATION OF LOTS

## ***GMA/SMA Guidelines***

1. A unit of land shall be consolidated with adjacent lands in the same ownership if:

    A. In Oregon, the subdivision within which the unit of land is located is undeveloped pursuant to ORS chapter 92; or

    B. In Washington, if the unit of land is smaller than the current minimum parcel size and is located within a final plat that is older than five years from the date of filing.

2. No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.

3. Section 1 shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.

4. To carry out this section, counties shall develop their own procedures for consolidating units of land pursuant to this provision, including amending plats, vacating plats, replatting, or other similar legal action.

# UNIFORM APPLICATION OF MANAGEMENT PLAN

## ***GMA/SMA Policies***

1. The Management Plan shall be applied consistent with and in the spirit of the National Scenic Area Act.

2. 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.

3. In applying provisions of the Management Plan, the Gorge Commission and Forest Service may consider, but shall not be constrained by, county interpretations, state interpretation and application of state law and administrative regulations, or judicial decisions that do not directly involve the Management Plan.

4. In reviewing and revising the Management Plan in 2020, the Gorge Commission and Forest Service used *Webster's Third New International Dictionary, unabridged* (2002) for undefined terms. When interpreting the Management Plan and land use ordinances implementing the Management Plan, the Gorge Commission will use *Webster's Third New International Dictionary, unabridged* (2002) for undefined terms. For terms that do not appear in this dictionary, the Gorge Commission will

consider the online (free) version of Merriam-Webster unabridged (currently at https://unabridged.merriam-webster.com/). For terms that do not appear in the online (free) version, the Gorge Commission will consider other available dictionaries.

# APPLYING NEW LESS-STRINGENT REGULATIONS TO DEVELOPMENT APPROVED UNDER PRIOR NATIONAL SCENIC AREA REGULATIONS

## ***GMA/SMA Guidelines***

1. A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior National Scenic Area regulations (e.g., *Columbia River Gorge National Scenic Area Final Interim Guidelines*, original *Management Plan*), subject to the following standards:

   A. The applicant shall apply for the same development that was reviewed in the original decision.

   B. The development shall remain in its current location.

   C. The agency that currently has jurisdiction over the applicant's property shall review the application and send notice of the application to agencies and other parties entitled to receive notice under the current rules.

   D. The agency shall review the entire development to ensure that it would fully comply with all the current guidelines (i.e., land use, treaty rights, scenic resources, cultural resources, recreation resources and natural resources).

   E. The agency shall issue a new decision that supersedes the original decision.

   F. The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with all the current guidelines.

# USES ALLOWED OUTRIGHT

## ALL LAND USE DESIGNATIONS, EXCEPT OPEN SPACE AND AGRICULTURE-SPECIAL

## ***GMA/SMA Guidelines***

1. The following uses may be allowed without review in all GMA and SMA land use designations, except GMA and SMA Open Space and GMA Agriculture-Special:

   A. In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

   B. In the Special Management Areas, agricultural uses within previously disturbed and regularly worked fields or areas.

   C. Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and development.

   D. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.

   E. Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, roads, transportation facilities, or utility facilities.

   F. Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (posts and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

   G. Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission and Forest Service natural resource data or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

   H. The following transportation facilities:

      (1) Replace existing safety or protective structures, including but not limited to guardrails, access control fences and gates, barriers, energy attenuators, safety cables, rockfall structures, and traffic signals and controllers, provided the replacement structures are:

         (a) the same location and size as the existing structures and

         (b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River*

*Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1).

(2) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:

(a) the same location and size as the existing structures and

(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1).

(3) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

(4) Permanent public regulatory, guide, and warning signs, except those excluded below, provided:

(a) the signs comply with the *Manual on Uniform Traffic Control Devices* (2012 or most recent version) and

(b) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(5) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled

"Scenic Travel Corridors" (Part I, Chapter 1).

(6) New traffic barriers and guardrail ends, provided the structures are located inside rights-of-way that have been disturbed in the past and are constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors" (Part I, Chapter 1). This category does not include jersey barriers.

(6) In the General Management Area, replacement or expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(7) In the Special Management Areas, replacement or expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. The entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(8) Maintenance of existing railroad track and paved roads, provided the activity does not

(a) increase the width of a road or railroad,

(b) disturb the toe of adjacent embankments, slopes or cut banks, or

(9) Apply dust abatement products to non-paved road surfaces.

(10) Grade and gravel existing road shoulders, provided the activity does not
(a) increase the width of a road,

(b) disturb the toe of adjacent embankments, slopes or cut banks, or

(11) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

I. The following underground utility facilities:

(1) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(2) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

(a) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation,

(b) no ditch for linear facilities would be more than 24 inches wide,

(c) no excavation for non- linear facilities would exceed 10 cubic yards, and

(d) no recorded archaeological site is located within 500 feet of the development. To comply with (d), the entity or person undertaking the development shall contact the Washington Department of Archaeology and Historic Preservation or the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

J. The following aboveground and overhead utility facilities:

(1) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:

(a) the same location and size as the existing facilities and

(b) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors” (Part I, Chapter 1).

(2) Replace existing utility poles, provided the replacement poles are

(a) located within 5 feet of the original poles,

(b) no more than 5 feet taller and 6 inches wider than the original poles, and

(c) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

(3) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

K. Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridgeline or parapet of the principal building.

L. The following signs:

(1) Election signs. Removal must be accomplished within 30 days of election day.

(2) "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(3) Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual on Uniform Traffic Control Devices* (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the General Management Area and 2 square feet in the Special Management Areas.

(5) Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.

(7) In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).

M. In the General Management Area, wind machines for frost control in conjunction with agricultural use.

## GMA AND SMA OPEN SPACE

### ***GMA/SMA Guidelines***

1. The following uses may be allowed without review in GMA and SMA Open Space:

A. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions,

B. The following transportation facilities:

(1) Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, provided the replacement structures are:
(a) the same location and size as the existing structures and
(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in “Scenic Travel Corridors” (Part I, Chapter 1: Scenic Resources).

(2) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:

(a) the same location and size as the existing structures and

(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in “Scenic Travel Corridors” (Part I, Chapter 1: Scenic Resources).

(3) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

(4) Permanent public regulatory, guide, and warning signs, except those excluded below, provided:

(a) the signs comply with the *Manual on Uniform Traffic Control Devices* (2012 or most recent version) and

(b) the support structures and backs of all signs are dark brown with a flat, non-reflective finish.

(c) This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(5) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in "Scenic Travel Corridors" (Part I, Chapter 1: Scenic Resources).

(6) New traffic barriers and guardrail ends, provided the structures are:

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in "Scenic Travel Corridors" (Part I, Chapter 1: Scenic Resources). This category does not include jersey barriers.

(7) In the General Management Area, replacement or expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(8) In the Special Management Areas, replacement or expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective.

(9) Maintenance of existing railroad track and paved roads, provided the activity does not

(a) increase the width of a road or railroad, or

(b) disturb the toe of adjacent embankments, slopes or cut banks

(10) Apply dust abatement products to non-paved road surfaces.

(11) Grade and gravel existing road shoulders, provided the activity does not
(a) increase the width of a road, or
(b) disturb the toe of adjacent embankments, slopes or cut banks

(12) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

C. The following underground utility facilities:

(1) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(2) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided
(a) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation,

(b) no ditch for linear facilities would be more than 24 inches wide,

(c) no excavation for non- linear facilities would exceed 10 cubic yards, and

(d) no recorded archaeological site is located within 500 feet of the development. To comply with this guideline, the entity or person undertaking the development shall contact the Washington Department of Archaeology and Historic Preservation or the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

D. The following aboveground and overhead utility facilities:

(1) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:

(a) the same location and size as the existing facilities and

(b) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the GMA policies in "Scenic Travel Corridors" (Part I, Chapter 1: Scenic Resources).

(2) Replace existing utility poles, provided the replacement poles are
(a) located within 5 feet of the original poles,

(b) no more than 5 feet taller and 6 inches wider than the original poles, and

(c) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

(3) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

E. The following signs:

(1) Election signs. Removal must be accomplished within 30 days of election day.

(2) "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(3) Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual on Uniform Traffic Control Devices* (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the GMA and 2 square

feet in the SMAs.

(5) Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(6) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.

(7) In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).

# EXPEDITED DEVELOPMENT REVIEW PROCESS

## ***GMA/SMA Guidelines***

## Development Eligible for Expedited Review

1. The following development may be reviewed using the expedited development review process, provided they comply with the resource protection and procedural guidelines listed below.

   A. Except in Open Space and Agriculture-Special, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

   B. Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

   C. Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.

   D. Wire-strand fences other than those allowed outright, provided the fence complies with the "Approval Criteria for Fences in Deer and Elk Winter Range" (Part I, Chapter 3: Natural Resources, GMA Wildlife Habitat) if it is inside deer and elk winter range as delineated in the Gorge Commission and Forest Service natural resource data or determined by an appropriate federal or state agency.

E. In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

F. Decks that are:

(1) uncovered,

(2) attached and accessory to existing dwellings, and

(3) 500 square feet or less in area and 30 inches or less in height above existing grade.

G. Road closure gates.

H. Signs, other than those allowed outright.

I. Outdoor lights.

J. Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

K. Lot line adjustments in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to the GMA guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines), except all lot line adjustments for parcels designated Open Space, Agriculture-Special, Public Recreation, or Commercial Recreation shall be reviewed through the full development review process.

L. Lot line adjustments in the Special Management Areas, subject to the SMA guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines) and SMA Residential Land Policy 4 (Part II, Chapter 4: Residential Land).

M. Removal/demolition of structures that are less than 50 years old**,** including wells, septic tanks and fuel tanks.

N. Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.

O. Trail reconstruction involving up to 1,000 feet of trail re-route.

P. The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):

(1) New traffic barriers and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences.

This category does not include jersey barriers.

(2) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.

(3) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.

(4) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

Q. Except in Agriculture-Special, the following underground utility facilities:

(1) New underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

(a) no ditch for linear facilities would be more than 36 inches wide and

(b) no excavation for non-linear facilities would exceed 20 cubic yards.

R. The following aboveground and overhead utility facilities:

(1) Modify existing aboveground and overhead utility facilities or, except in Agriculture-Special, develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.

(2) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.

(3) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

S. Replace an existing manufactured home in a manufactured home space within a manufactured home park, provided (1) the manufactured home to be replaced, the manufactured home space and the manufactured home park

shall be existing, lawful uses according to the definition of *existing use or structure* and Guidelines 1 through 4 in the section titled “Existing Uses” of this chapter; (2) the replacement manufactured home shall be in the same location as the manufactured home to be replaced; (3) the height of the replacement manufactured home shall be no more than 20 percent greater than the manufactured home to be replaced, and (4) the mass and footprint of the replacement manufactured home shall be no more than 100 percent greater than a single-wide manufactured home to be replaced or no more than 25 percent greater than a double-wide manufactured home to be replaced.

T. Retaining walls accessory to existing dwellings less than or equal to 2 feet in height and less than or equal to 100 feet in length.

U. In the Special Management Areas, wind machines for frost control in conjunction with agricultural use.

V. Additions to existing buildings or structures that generate solar power for approved uses, provided that the panels and hardware are non-reflective black or dark earth tone colors and do not increase the overall roof height. This category does not include free-standing solar arrays, which are subject to full review as new structures under the guidelines in "Renewable Energy Production” (Part II, Chapter 7: General Policies and Guidelines).

## Resource and Treaty Rights Protection Guidelines

1. Proposed development reviewed using the expedited review process shall comply with the following resource protection guidelines:

A. Scenic

(1) In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(2) Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building.

(3) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(4) Any exterior lighting shall be sited, limited in intensity, hooded, and

shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(5) Signs shall comply with the applicable sign guidelines in the Management Plan (Part I, Chapter 1: Scenic Resources GMA Sign Guidelines and SMA Sign Provisions).

(6) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and-designed to achieve the applicable scenic standard (e.g., visual subordinance, not visually evident).

B. Cultural

(1) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Policies 6 and 7 (Part I, Chapter 2) shall be used to determine if a reconnaissance or historic survey is required for a proposed development.

(2) The GMA "Cultural Resources Discovered After Construction Begins" Guideline 1 and "Discovery if Human Remains" Guideline 1 (Part I, Chapter 2: Cultural Resources) shall be applied as conditions of approval for all development approved under the expedited development review process.

C. Recreation

(1) The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

D. Natural

(1) Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)

(a) The development is outside water resources and their buffer zones. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(2) Sensitive Wildlife and Rare Plants

(a) The development meets one of the following:

(i) The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range~~,~~) and known rare plants; or

(ii) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

(iii) For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range), but an appropriate federal or state wildlife agency determines:

1. the Priority Habitat or sensitive wildlife site is not active or,

2. the proposed development would not compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance.

(iv) For rare plants, the development is within 1,000 feet of known rare plants, but the Oregon Biodiversity Information Center or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the rare plants.

(b) Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or rare plants (see GMA “Site Plans and Field Surveys for Review Uses Near Priority Habitats and Sensitive Wildlife Sites” Guidelines 1 and 2, and “Site Plans and Field Surveys for Review Uses Near Rare Plants” Guidelines 1 and 2 [Part I, Chapter 3: Natural Resources]).

2. Proposed development reviewed using the expedited review process shall comply with the following treaty rights guidelines:

A. Proposed development shall not affect or modify the treaty or other rights of any Indian tribe.

B. The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if a tribal government submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

C. Except as provided in 2.B above, the GMA and SMA treaty rights and consultation goals, policies and guidelines in Part IV, Chapter 3: Tribal Treaty Rights and Consultation shall not apply to proposed development reviewed under the expedited review process.

## Procedural Guidelines

1. Applications

   A. Applications for uses eligible for expedited review shall include the information required for review uses listed in Guideline 3, "Review Uses" (Part II, Chapter 7: General Policies and Guidelines). They shall also include elevation drawings if the proposed development would be visible from a key viewing area. The drawing shall show natural grade and finished grade.

2. Comment Period

   A. Reviewing agencies shall send a copy of all applications for development to be reviewed under the expedited review process to the four Columbia River treaty tribes, the Gorge Commission, and the Forest Service.

   B. Reviewing agencies shall allow the tribal governments, the Gorge Commission, and the Forest Service at least 10 days from the date a notice is sent to submit written comments on the proposed development.

   C. Comments received by a tribal government at any time during the expedited review process shall be considered, to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.

3. Written Decision

   A. Reviewing agencies shall prepare written decisions for all development reviewed under the expedited review process. The decisions shall include findings of fact, conclusions of law and, if necessary, conditions of approval.

4. Notice of Decision and Opportunity to Appeal

   A. Reviewing agencies shall send a copy of all decisions issued under the expedited review process to the tribal governments, the Gorge Commission, the Forest Service, and landowners within 200 feet of the perimeter of the subject parcel.

   B. Any person shall be allowed to appeal a decision issued under the expedited review process.

# EMERGENCY/DISASTER RESPONSE ACTIONS

## ***GMA/SMA Policies***

1. Notification of emergency/disaster response actions is required in order to:

   A. Provide responding parties early access to information on sensitive resources that may be affected by emergency response actions;

   B. Prevent or minimize resource impacts from such actions, reducing the need for post-emergency mitigation/restoration;

   C. Achieve the above purposes while allowing actions necessary to protect life, property, public services, and the environment during an emergency or disaster.

2. Post-emergency/disaster response development review is required in order to evaluate whether such response actions have impacted scenic, natural, cultural or recreation resources. Adverse impacts of the response actions shall be mitigated to the greatest extent practicable. The review process shall be expedited to facilitate timely mitigation/restoration efforts, where needed. The party(ies) submitting the post-emergency/disaster response application shall be responsible for implementing any required mitigation/restoration, unless:

   A. (1) other responding parties agree to assume such responsibility, upon mutual agreement of the parties; or

   B. (2) the landowner denies access for mitigation/restoration activities, in which case the landowner assumes responsibility.

3. Nothing in these provisions shall be interpreted to excuse compliance with other applicable state or federal law.

## ***GMA/SMA Guidelines***

1. General Guidelines

   A. Actions taken in response to an emergency/disaster event, as defined in the Glossary, are allowed in all GMA/SMA land use designations, subject to the notification requirements in the following section (see "Notification Requirements").

   B. Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

   C. Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it

can be demonstrated that the continued use of these devices is necessary to protect life property, public services or the environment, an extension of no more than two years may be granted by the reviewing agency or the Forest Service for federal agency actions.

D. The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

E. No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake or riparian area within the National Scenic Area as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determine to not be possible without further jeopardizing life or property.

2. Notification Requirements

A. Actions taken in response to an emergency/disaster event, as defined in the Glossary, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

(1) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

(2) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(3) Notification shall be furnished to the reviewing agency, or the Forest Service for federal agency actions. If the Forest Service is the action agency, it shall provide notice to the Gorge Commission.

(4) At a minimum, the following information shall be required at the time of notification:

(a) Nature of emergency/disaster event.

(b) Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).

(c) Location of emergency/disaster response activities.

(d) Estimated start and duration of emergency/disaster response activities.

(e) Contact person and phone number for the parties conducting emergency/disaster response actions.

(5) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

B. Upon notification of an emergency/disaster response action, the Gorge Commission, applicable planning department, or Forest Service shall, as soon as possible:

(1) Review its natural resource data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

(2) Notify the Oregon or Washington Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;

(3) Notify the Forest Service, the Oregon Historic Preservation Office or the Office of Washington Department of Archeology and Historic Preservation, and the tribal governments of all emergency/disaster response activities. The Forest Service will review their cultural resource data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

C. Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

3. Post-Emergency/Disaster Response Development Review Application Requirements

A. Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Gorge Commission, applicable planning department, or Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required

herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration

B. Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any spoil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

C. Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).

D. Applications shall include the following information:

(1) Applicants name and address.

(2) Location of emergency/disaster response.

(3) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.

(4) A map of the project area drawn to scale, at a scale of 1 inch = 200 feet or a scale providing greater detail. The map shall include:

(a) North arrow and scale.

(b) Boundaries, dimensions and size of subject parcel(s).

(c) Bodies of water, watercourses, and significant landforms.

(d) Existing roads and structures.

(e) New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

(5) An exception to the scale requirements in Guideline 3.D(4) above may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action

area shall be provided. In addition, a map of 1 inch = 200 feet or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

E. Emergency/disaster response review uses may be allowed pursuant to a process that provides at minimum the following:

(1) Notice of the application to landowners within 200 feet of the perimeter of the subject parcel, the Forest Service, Gorge Commission, the four Columbia River treaty tribes, and interested parties.

(2) A written decision with findings of fact and conclusions of law.

(3) An opportunity to request a hearing.

4. Post-Emergency/Disaster Response Development Review

A. Actions taken in all land use designations within the GMA/SMA that are in response to an emergency/disaster event, as defined in the Glossary, shall be reviewed for compliance with the following guidelines.

B. Scenic Resources

(1) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as visible from key viewing areas to the greatest extent practicable, except for actions located in areas exempted from visual subordinance requirements in "Developed Settings and Visual Subordinance Policies" (Part I, Chapter 1: Scenic Resources). In the SMAs, such actions shall meet the scenic standard to the greatest extent practicable.

(2) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(3) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species, or species commonly found within the applicable landscape setting, to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension up to one year.

(4) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their

landscape setting as visible from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

(5) Additions to existing structures, resulting from an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as visible from key viewing areas to the greatest extent practicable.

(6) In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

(a) The spoil materials shall either be:

(i) Removed from the National Scenic Area,

(ii) Deposited at a site within the National Scenic Area permitted by the reviewing agency, or

(iii) (Re)contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

(b) The reviewing agency shall decide whether an applicant removes the spoil materials [4.B(6)(a)(i)], deposits the spoil materials [4.B(6)(a)(ii)], or (re)contours the spoils materials [4.B(6)(a)(iii)]. The applicant does not make this decision.

(c) The reviewing agency shall select the action in Guideline 4.B(6)(a) that, to the greatest extent practicable, best complies with the policies and guidelines in the Management Plan that protect scenic, cultural, recreation, and natural resources.

(d) Disposal sites created according to Guideline 4.B(6)(a)(ii) shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(7) In the Special Management Areas, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

(a) The spoil materials shall either be:

(i) Removed from the National Scenic Area, or

(ii) Deposited at a site within the National Scenic Area permitted by the reviewing agency within two years of the emergency.

(b) After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

(c) All grading (i.e., recontouring) shall be completed within 30 days after the spoils materials are removed.

(d) Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(e) All revegetation shall take place within one (1) year of the date an applicant completes the grading.

(f) This provision shall take effect two years after the date of Management Plan concurrence by the U.S. Secretary of Agriculture, or approval of a disposal site, whichever comes first.

C. Cultural Resources and Treaty Rights

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources.

(2) Emergency/disaster response actions shall not affect or modify tribal treaty rights.

(3) The Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the reviewing agency.

(a) Reconnaissance surveys shall be conducted by the Forest Service and comply with the standards in GMA Guideline 1, Reconnaissance Surveys—Small-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports). Reconnaissance survey reports shall comply with the standards in GMA Guideline 1, Reconnaissance Surveys—Large-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports).

(b) Historic surveys shall be conducted by the Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall

also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.

(4) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the tribal governments shall be notified by the development review officer when a reconnaissance survey is required or cultural resources exist in the project area. Notices shall include a site plan. Tribal governments shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The reviewing agency administering the National Scenic Area ordinance shall send a copy of all comments to the Gorge Commission.

(5) When written comments are submitted in compliance with Guideline 4.C(4) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the reviewing agency following the consultation meeting. Consultation meetings and reports shall comply with the standards in GMA Guideline 1, Consultation and Ethnographic Research (Part I, Chapter 2: Cultural Resources, Cultural Resource Reconnaissance and Historic Surveys) and Guidelines 1 and 2, Tribal Government Consultation (Part IV, Chapter 3: Indian Treaty Rights and Consultation).

(6) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that generally follows the standards in GMA Guideline 1, Reconnaissance Survey Reports—Large-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports) and GMA Guideline 1, Evaluation Criteria and Information Needs (Part I, Chapter 2: Cultural Resources, Evaluation of Significance).

(7) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report guidelines in GMA Mitigation Plan Criteria and Information Needs (Part I, Chapter 2: Cultural Resources, Mitigation Plans).

(8) The agency conducting the post-emergency development review shall

submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and tribal governments shall have 15 calendar days from the date a survey report is mailed to submit written comments to the agency conducting the post-emergency development review. The agency shall record and address all written comments in the development review order.

(9) The agency conducting the post-emergency development review shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a tribal government regarding treaty rights, the agency shall justify how it reached an opposing conclusion.

(10) The cultural resource protection process may conclude when it has been determined that tribal treaty rights have not been not affected and one of the following conditions exists:

(a) The emergency/disaster response action does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.

(b) The emergency/disaster response action avoided cultural resources that exist in the project area.

(c) Adequate mitigation measures to affected cultural resources have been developed and will be implemented.

(d) A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:

(i) The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the “National Register Criteria for Evaluation” (36 CFR 60.4), or

(ii) The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the

guidelines and standards in *The Secretary of the Interior's Standards for Rehabilitation* [U.S. Department of the Interior 1990] and *The Secretary of the Interior's Standards for Historic Preservation Projects* [U.S. Department of the Interior 1983].

D. Natural Resources

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(2) Buffer zones for water resources, Priority Habitats or sensitive wildlife sites, and sites containing rare plants, shall be the same as those established in the Natural Resources Chapter (Part I, Chapter 4).

(3) Water Resources

(a) Emergency/disaster response actions occurring within a water resource buffer zone shall be reviewed by the Oregon or Washington Department of Fish and Wildlife. These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their bigger zones.

(b) When emergency/disaster response activities occur within water resources or their buffer zones, the applicant shall demonstrate the following:

(i) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes or riparian areas.

(ii) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

(c) Impacts to water resources and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

(d) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response actions had minor effects on the water resource or its buffer zone that could be eliminated with

simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the reviewing agency shall incorporate them into its development review order and the aquatic area protection process may conclude.

(e) Unless addressed through Guideline 4.D(3)(d) above, mitigation and restoration efforts shall be delineated in a Water Resources Mitigation Plan. Water Resource Mitigation Plans shall satisfy the standards in GMA Guidelines 1.A through 1.B, Water Resource Mitigation Plans (Part I, Chapter 3: Natural Resources). Rehabilitation plans shall also satisfy the following:

(i) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.

(ii) Planting plans shall be included that specify native plant species to be used, specimen quantities and plant locations.

(iii) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

(4) Wildlife Habitat

(a) Emergency/disaster response actions occurring within 1,000 feet of a Priority Habitat or sensitive wildlife site shall be reviewed by the Oregon or Washington Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a Priority Habitat or sensitive wildlife site.

(b) Site plans for emergency/disaster response sites shall be submitted by the agency conducting the post-emergency development review to the Oregon or Washington Department of Fish and Wildlife for review as prescribed in GMA Guidelines 3 and 4, Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites (Part I, Chapter 3: Natural Resources)

(c) The wildlife protection process may terminate if the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines:

(i) the Priority Habitat or sensitive wildlife site was not active, or,

(ii) the emergency/disaster response did not compromise the integrity of the Priority Habitat or sensitive wildlife site or occurred at a time when wildlife species are not sensitive to disturbance.

(d) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had minor effects on the Priority Habitat or sensitive wildlife site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the reviewing agency shall incorporate them into its development review order and the wildlife protection process may conclude.

(e) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had adverse effect on a Priority Habitat or sensitive wildlife site, the project applicant shall prepare a Wildlife Mitigation Plan. Wildlife Mitigation Plans shall comply with standards in GMA Guideline 2, Wildlife Mitigation Plans (Part I, Chapter 3: Natural Resources). Upon completion of the Wildlife Mitigation Plan, the agency shall:

(i) Submit a copy of the Wildlife Mitigation Plan to the state wildlife agency for review. The state wildlife agency will have 15 days from the date that a plan is mailed to submit written comments to the agency conducting the post-emergency development review;

(ii) Record any written comments submitted by the state wildlife agency in its development review order. Based on these comments, the agency conducting the post-emergency development review shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the agency shall justify how it reached an opposing conclusion.

(iii) Require the project applicant to revise the Wildlife Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a Priority Habitat or sensitive wildlife site.

(5) Deer and Elk Winter Range

(a) Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall comply with the standards in GMA Approval Criteria for Fences in Deer and Elk Winter Range (Part I, Chapter 3: Natural Resources, Wildlife Habitat).

(6) Rare Plants

(a) Emergency/disaster response actions occurring within 1,000 feet of a sensitive plant, shall be reviewed by the Oregon Biological Information Center or Washington Natural Heritage Program. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.

(b) Site plans for emergency/disaster response sites shall be submitted to the Oregon Biological Information Center or Washington Natural Heritage Program by the agency conducting the post-emergency development review. State natural heritage staff will, within 15 days from the date the application is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.

(c) The rare plant protection process may conclude if the agency conducting the post-emergency development review, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plan buffer zone.

(d) If the agency conducting the post-emergency development review, in consultation with the state natural heritage program, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state natural heritage staff, or a Forest Service natural resources advisor (as available) in consultation with the state natural heritage staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the reviewing agency shall incorporate them into its development review order and the rare plant protection process may conclude.

(e) If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse affects on rare plants or their buffer zone, the project applicant shall prepare a Rare Plant

Mitigation Plan, that meets the standards in GMA Guidelines 1 and 2, Rare Plant Mitigation Plans (Part I, Chapter 3: Natural Resources, Rare Plants).

(f) The agency conducting the post-emergency development review shall submit a copy of all Rare Plant and Mitigation Plans to the state heritage program for review. The state natural heritage program will have 15 days from the date the Rare Plant Mitigation Plan is mailed to submit written comments to the agency conducting the post-emergency development review.

(g) The agency conducting the post-emergency development review shall record any written comments submitted by the state natural heritage program in its development review order. Based on these comments, the agency shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state natural heritage program, the agency conducting the post-emergency development review shall justify how it reached an opposing conclusion.

(h) The agency conducting the post-emergency development review shall require the project applicant to revise the Rare Plant Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a rate plant site.

E. Recreational Resources

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(2) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

5. Post-Emergency Construction

A. The following review uses are allowed in all land use designations subject to compliance with the standards in Review Uses (Part II, Chapter 7: General Policies and Guidelines) and the standards for protection of scenic, cultural, natural and recreation resources (Part I, Chapters 1 through 4: Resource Protection and Enhancement):

(1) Placement of structures necessary for continued public safety and the protection of private property and essential public services damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use applications shall be submitted within 12 months following an

emergency/disaster event.

# LAND DIVISIONS

## ***GMA/SMA Policies***

1. In general, creation of a parcel, regardless of parcel size, shall be subject to the policies and guidelines in the Management Plan.

2. New land divisions in the SMAs are not allowed, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan.

## ***GMA/SMA Guidelines***

1. Creation of a parcel, regardless of size, or any division of land shall be subject to the policies and guidelines in the Management Plan.

2. At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

3. Land divisions shall be limited in deer and elk winter range and turkey habitat.

# LOT LINE ADJUSTMENTS

## ***GMA Policies***

1. Lot line adjustments are intended to effect minor changes to existing parcel lines.

2. Lot line adjustments shall not increase the potential number of parcels in any subsequent land division over the number of parcels that could occur on the entirety of the affected parcels before a lot line adjustment.

3. Lot line adjustments shall not exempt an agency or landowner from the specified minimum parcel sizes for land divisions in the Management Plan.

4. Lot line adjustments shall not adversely affect scenic, cultural, recreation or natural resources.

5. Except in Agriculture-Special, Open Space, Public Recreation, or Commercial Recreation, lot line adjustments that would not result in the potential to create additional parcels through subsequent land divisions may be reviewed through the expedited development review process. All other lot line adjustments shall be reviewed through the full development review process..

## ***GMA Guidelines***

1. Lot line adjustments for parcels in all land use designations except Agriculture-Special, Open Space, Commercial, Public Recreation, or Commercial Recreation shall comply with the following standards:

   A. The lot line adjustment shall not result in the creation of any new parcel(s).

   B. The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.

   C. The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment**,** except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

   D. The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

      (1) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:

         (a) the parcel to be enlarged would not become eligible for a subsequent land division and

         (b) the amount of land transferred would be the minimum necessary to resolve the issue.

      (2) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

   E. The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture, Agriculture-Special, Commercial Forest Land, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).

F. The lot line adjustment shall not allow previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection guidelines, including, but not limited to, requirements for buffer zones and landscaping.

G. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.

2. Lot line adjustments for parcels designated Agriculture-Special or Open Space shall comply with the following standards:

   A. The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)

   B. The lot line adjustment shall comply with Guidelines 1.A, 1.B, 1.E, 1.F, and 1.G above.

3. Lot line adjustments for parcels designated Commercial shall comply with Guidelines 1.A, 1.B, 1.E, 1.F, and 1.G above.

4. Lot line adjustments for parcels designated Public Recreation or Commercial Recreation shall comply with the following standards:

   A. The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation or Commercial Recreation.)

   B. The lot line adjustment shall comply with Guidelines 1.A, 1.B, 1.E, 1.F, and 1.G above.

## ***SMA Policies***

1. Lot line adjustments are intended to effect minor changes to existing parcel lines.

2. Lot line adjustments shall comply with National Scenic Area Act provisions requiring residences to be sited or constructed on parcels 40 acres or greater. Lot line adjustments shall not increase the potential number of new residences in the Special Management Areas

## ***SMA Guidelines***

1. The proposed lot line adjustment shall not result in the creation of any new parcel(s).

2. A lot line adjustment shall not result in a parcel greater than or equal to 40 acres with a dwelling becoming less than 40 acres.

3. A lot line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

4. A parcel that is smaller than 40 acres shall not be reduced in size, except to accomplish one of the following purposes:

   A. Resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:

      (1) the parcel to be enlarged would not become 40 acres or greater and

      (2) the amount of land transferred would be the minimum necessary to resolve the issue.

   B. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

5. The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection guidelines, including, but not limited to, requirements for buffer zones and landscaping.

6. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.

## AGRICULTURAL BUILDINGS

### ***GMA/SMA Guidelines***

1. The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

2. To satisfy Guideline 1, applicants shall submit the following information with their land use application:

   A. A description of the size and characteristics of current agricultural use.

   B. An agricultural plan for any proposed agricultural use that specifies

agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

C. A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

## TEMPORARY USE-HARDSHIP DWELLING

### ***GMA/SMA Guidelines***

1. A permit for the temporary placement of a manufactured home, a tiny house on wheels, or other similar structure, may be granted under the following circumstances:

   A. A family hardship exists where conditions relate to the necessary care for a family member where medical conditions relate to the infirm or aged.

   B. The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.

   C. The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural, and recreation resources.

   D. The structure does not require a permanent foundation.

2. A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.

3. Upon expiration of the permit or cessation of the hardship, whichever comes first, the hardship dwelling shall be removed within 30 days.

4. A new permit may be granted upon a finding that a family hardship continues to exist.

## SEWER AND WATER SERVICES

### ***GMA/SMA Policies***

1. Sewer lines may be extended from an urban area into a rural area to serve:

   A. Areas with a documented health hazard.

   B. Recreation uses open to the public, only upon a demonstration by the local

government that there is no practicable alternative to providing service to the area. In such cases, the lines shall be engineered and sized solely to serve the defined area or use. Such lines shall not be relied upon as the sole justification for revision to an urban area boundary.

2. New uses authorized in the Management Plan may hook up to existing sewer and water lines in rural areas.

# DOCKS AND BOATHOUSES

## ***GMA/SMA Policies***

1. Docks and boathouses may be allowed when the land use designation of the appurtenant land authorizes docks.

2. Floating uses and uses anchored to the bottom of the Columbia River and its tributaries, including, but not limited to, floating cafes and mooring buoys, are not allowed.

3. Multiple uses of docks and boathouses on the Columbia River and its tributaries shall be encouraged. Private, single-purpose docks shall be discouraged.

4. New docks and boathouses shall be consistent with applicable guidelines for protection of scenic, cultural, natural, and recreation resources.

## ***GMA/SMA Guidelines***

1. New, private docks and boathouses serving only one family and one property may be allowed, up to 120 square feet in size.

2. New, private docks and boathouses serving more than one family and property may be allowed, up to 200 square feet in size.

3. Public docks open and available for public use may be allowed.

4. Boathouses may be allowed under Guidelines 1 and 2 above only when accessory to a dwelling and associated with a navigable river or lake.

# HOME OCCUPATIONS

## ***GMA/SMA Policy***

1. Small-scale commercial uses associated with residential use and located in an existing residence or accessory structure may be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and

recreation resources.

## ***GMA/SMA Guidelines***

1. Home occupations may be established as authorized in specified land use designations consistent with the following conditions:

    A. May employ the residents of the home and up to three outside employees.

    B. No more than 25 percent of the total actual living space of the dwelling may be used for the home occupation.

    C. No more than 500 square feet of an accessory structure may be used for a home occupation.

    D. There shall be no outside, visible evidence of the home occupation, including outside storage.

    E. Exterior structural alterations to the residence for the home occupation shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation.

    F. No retail sales may occur on the premises.

    G. One non-animated, non-illuminated sign, not exceeding 2 square feet in area, may be permitted on the subject structure or within the yard containing the home occupation.

    H. Parking not associated with residential use shall be screened so it is not visible from key viewing areas.

    I. A bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines for "Bed and Breakfast Inns," below, except for Policy 3.

# OVERNIGHT ACCOMMODATIONS

## ***GMA Policies***

1. Overnight accommodations associated with residential use may be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.

2. Overnight accommodations shall remain rural in character and scale and distinct from motels or restaurants, which can locate in urban areas.

## ***GMA Guidelines***

1. Overnight accommodations may be established in a legal single-family dwelling, in the GMA Rural Center, Rural Commercial, and 5-acre and 10-acre Residential land use designations, consistent with the following conditions:

   A. The owner of the subject parcel may rent the dwelling for up to 90 room nights per year.

   B. Parking areas shall be screened so they are not visible from key viewing areas.

   C. The use is incidental and subordinate to the primary use of the property.

   D. The dwelling must be the permanent residence of the owner and occupied by the owner during rental.

   E. Commercial events are not permitted at overnight accommodations.

   F. The overnight accommodation may employ up to three employees other than the residents of the dwelling.

   G. Land use approvals for overnight accommodations shall be valid for no more than two years. Landowners must reapply for the use after a land use approval expires, demonstrating compliance with conditions of approval through financial and other records. Permits will not be renewed if there have been past violations, including failure to file.

# BED AND BREAKFAST INNS

## ***GMA/SMA Policies***

1. Bed and breakfast inns associated with residential use may be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.

2. Bed and breakfast inns shall remain rural in character and scale and distinct from motels or restaurants, which can locate in urban areas.

3. In the SMAs, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.

## ***GMA/SMA Guidelines***

1. Bed and breakfast inns may be established consistent with the following conditions:

   A. Guests may not occupy a facility for more than 14 consecutive days.

   B. One non-animated, non-illuminated sign, not exceeding 4 square feet in area, may be permitted on the structure or within the yard containing the structure.

   C. Parking areas shall be screened so they are not visible from key viewing areas.

# SMALL-SCALE FISHING SUPPORT AND FISH PROCESSING OPERATIONS

## ***GMA Policies***

1. Fishing is a historic natural resource-based industry in the National Scenic Area. For the purpose of supporting family-based commercial fishing businesses associated with residential use, small-scale fishing support and fish processing operations may be allowed, subject to compliance with the applicable land use, treaty rights and resource protection guidelines.

2. Small-scale fishing support and fish processing operations may be allowed in the following land use designations on parcels that are contiguous with and have direct access to the Columbia River: GMA Residential, GMA Small Woodland, and GMA Small-Scale Agriculture.

## ***GMA Guidelines***

1. Small-scale fishing support and fish processing operations in conjunction with a family-based commercial fishing business may be allowed on parcels designated GMA Residential, GMA Small Woodland, or GMA Small-Scale Agriculture, subject to the following conditions:

   A. In addition to the guidelines specified in Part II, Land Use Designations, the operation shall comply with the guidelines for "Treaty Rights and Consultation in the GMA" (Part IV, Chapter 3, Indian Treaty Rights and Consultation), "Approval Criteria for Fire Protection" (Part II, Chapter 2, Forest Land), and "Approval Criteria for Siting of Dwellings on Forest Land" (Part II, Chapter 2, Forest Land).

   B. The following fishing support activities may be allowed: maintenance, repair, and storage of boats, nets, fish totes and other commercial fishing equipment that is used in the family-based commercial fishing business; and garaging of

fish hauling trucks, trailers and all other related equipment that is used in the family-based commercial fishing business.

C. The following fish processing activities may be allowed: cleaning, gutting, heading, and icing or freezing of fish that is caught by the family-based commercial fishing business. Other fish processing activities shall not be allowed, including, but not limited to, canning, smoking, salting or brining for wholesale or retail sale.

D. The operation shall be located on a lawful parcel that is contiguous with and has direct access to the Columbia River.

E. The subject parcel shall include a lawful dwelling, and the permanent resident of the dwelling shall participate in the fishing support and fish processing operation.

F. The operation may only employ residents of the dwelling and up to three outside employees.

G. No more than 25 percent of the total actual living space of the dwelling may be used for the fishing support and fish processing operation.

H. The operation may take place in an existing or new lawful accessory building or an existing agricultural building on the subject parcel. A new building constructed for the purpose of housing a fishing support and fish processing operation shall be considered an accessory building. An existing agricultural building shall not be expanded and a new agricultural building shall not be constructed for the purpose of housing a fishing support and fish processing operation.

I. An accessory building used in the fishing support and fish processing operation may be allowed up to 2,500 square feet.

J. Docks may be allowed as follows:

(1) One dock serving a parcel with an approved fishing support and fish processing operation may be allowed up to 500 square feet in size.

(2) For multiple contiguous parcels each with approved fishing support and fish processing operation, the area of the docks authorized in Guideline J(1) above may be combined into one dock, provided the total size of the dock shall not exceed 2,000 square feet.

K. There shall be no outside visible evidence of the fishing support and fish processing operation, including storage, other than boats and docks.

L. No retail sales may occur on the parcel.

M. The operation shall only support and process fish caught by residents of the

dwelling and up to three outside employees.

N. Before beginning the operation, applicants shall demonstrate that they have obtained and complied with federal, state and local water quality and wastewater permits.

# RESOURCE ENHANCEMENT PROJECTS

## ***GMA/SMA Guidelines***

1. Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project. Applicants shall seek technical assistance from federal, state or county technical experts for assistance in designing voluntary wetland, stream, habitat, plant, and scenic enhancement projects.

2. In addition to other guidelines that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following guidelines:

   A. Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as visible from key viewing areas as specified in GMA Key Viewing Area Guideline 15 and a reclamation plan that provides at a minimum the following information:

      (1) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre- reclamation existing grades and post- reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

      (2) Cross-sectional drawings of the site showing pre- reclamation and post-reclamation grades.

      (3) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

      (4) Description of drainage/erosion control features to be employed for the duration of the use.

      (5) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as

a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

B. Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

C. Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

D. Time Frames. The following time frames shall apply to quarry enhancement projects:

(1) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.

(2) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.

(3) An applicant may request one one-year extension to the one-year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one-year grading time frame has expired.

(4) An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

3. Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the guidelines under “Wetlands Compensation Plans” (Part I, Chapter 3: Natural Resources).

4. Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the guidelines under “Water Resources Mitigation Plans” (Part I, Chapter 3: Natural Resources).

5. In the SMAs, enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts

comply with the wetlands, streams, ponds, lakes, and riparian areas provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan, consistent with the guidelines described in “SMA Policies: Water Resources” (Part I, Chapter 3: Natural Resources).

# DISPOSAL SITES FOR SPOIL MATERIALS FROM PUBLIC ROAD MAINTENANCE ACTIVITIES

## ***GMA/SMA Guidelines***

1. Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources in the GMA, including, but not limited to:

   A. A reclamation plan that provides at a minimum the following information:

      (1) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post- reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

      (2) Cross-sectional drawings of the site showing pre- reclamation and post-reclamation grades.

      (3) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

      (4) Description of drainage/erosion control features to be employed for the duration of the use.

      (5) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

   B. Perspective drawings of the site as visible from key viewing areas as specified in GMA Key Viewing Area Guideline 15 (Part I, Chapter 1: Scenic Resources).

   C. Cultural resource reconnaissance and historic surveys, as required by GMA

Cultural Resources Policies 6 and 7 (Part I, Chapter 2: Cultural Resources). Disposal sites shall be considered a “large-scale use” according to GMA Cultural Resources Policy 8.

D. Field surveys to identify sensitive wildlife areas or sites and sensitive plants [see GMA “Site Plans and Field Surveys for Review Uses Near Sensitive Wildlife Areas and Sites” Guidelines 1 and 2, and “Site Plans and Field Surveys for Review Uses Near Sensitive Plants” Guidelines 1 and 2 (Part I, Chapter 4: Natural Resources)].

2. Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the National Scenic Area or inside an urban area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the National Scenic Area and inside an urban area.

3. Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources in the GMA, including, but not limited to:

A. Sites more than 4 miles from the nearest key viewing area shall be visually subordinate as visible from any key viewing area, according to GMA Key Viewing Area Guideline 27 (Part I, Chapter 1: Scenic Resources).

(1) An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the start of on-the-ground activities.

B. Sites less than 4 miles from the nearest key viewing area shall be fully screened from any key viewing area, according to GMA Key Viewing Area Guideline 28 (Part I, Chapter 1: Scenic Resources).

(1) An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the start of on-the-ground activities. Disposal activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

C. Reclamation plans shall restore the site to a natural appearance that blends with and emulates natural landforms and vegetation patterns characteristic to the landscape setting to the maximum extent practicable.

# COMMERCIAL EVENTS

## ***GMA Guidelines***

1. Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be incidental and subordinate to the primary use on a parcel.

2. Commercial events may be allowed in the GMA except on lands designated Open Space, Commercial Forest, or Agriculture-Special, subject to compliance with the following conditions and the scenic, cultural, natural and recreation resources guidelines:

   A. The use must be in conjunction with a lawful wine or cider sales or tasting room, bed and breakfast innor 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.

   B. The owner of the subject parcel shall live on the parcel and shall operate and manage the use.

   C. A single commercial event shall host no more than 100 guests.

   D. The use shall comply with the following parking requirements:

      (1) A single commercial event shall include no more than 50 vehicles for guests.

      (2) All parking shall occur on the subject parcel.

      (3) At least 200 square feet of parking space shall be required for each vehicle.

      (4) Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.

      (5) All parking areas shall be fully screened from key viewing areas.

   E. The owner of the subject parcel may conduct 18 single events up to one day in length per year.

   F. The owner of the subject parcel shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

G. Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to 90 days if they are fully screened from key viewing areas.

H. The use may be allowed upon demonstration that the following conditions exist to protect any nearby agricultural and forest operations:

(1) The use would not force a change in or increase the cost of accepted agricultural practices on surrounding lands [GMA Guideline 1.Q(1), Review Uses, Part II, Chapter 1: Agricultural Land].

(2) The use would be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required "Agricultural Buffer Zones," or designated Commercial Forest Land or Large or Small Woodland, as required in the "Siting of Dwellings on Forest Land." [Guideline 1.Q(3), Review Uses, Part II, Chapter 1: Agricultural Land].

(3) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland [GMA Guideline 1.Q(4), Review Uses, Part II, Chapter 1: Agricultural Land].

(4) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that is within 500 feet of the perimeter of the subject parcel on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision. [GMA Guideline 1.Q(5), Review Uses, Part II, Chapter 1: Agricultural Land].

I. Counties may impose additional requirements to address potential impacts to surrounding neighbors. For example, they may limit noise, lighting and operating hours.

J. Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.

K. A yearly report shall be submitted to the reviewing agency by January 31st reporting on the events held the previous year. This report shall include the number of events held, how many people were in attendance, and copies of catering contracts or other vendors used to verify.

L. Permits shall not be renewed if there have been past violations, including

failure to file.

# INDUSTRIAL DEVELOPMENT

## ***GMA/SMA Policy***

1. New industrial development shall not be allowed in the National Scenic Area outside urban areas.

# VARIANCES FROM SETBACKS AND BUFFERS

## ***GMA Policies***

1. When setbacks or buffers specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources overlap or conflict, they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of the affected resources.

2. Setbacks and buffers specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources shall not be applied in the GMA in a manner that deprives the owner of a parcel of land the opportunity to establish a residence on the land if that opportunity is otherwise authorized by the land use designation.

## ***GMA Guidelines***

1. When setbacks or buffers specified in the guidelines for the protection of scenic, cultural, natural, recreation, agricultural, or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that both of the following conditions exist:

    A. A setback or buffer specified in the Management Plan to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource.

    B. Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

2. A setback or buffer specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources may be varied in the GMA to allow a residence to be built on a parcel of land upon a demonstration that all of the following conditions exist:

    A. The land use designation otherwise authorizes a residence on the tract.

    B. No site exists on the tract (all contiguous parcels under the same ownership)

on which a residence could practicably be placed in full compliance with the setback or buffer.

C. The variance from the specified setback or buffer is the minimum necessary to allow the residence.

D. The variance shall not be used to permit an addition to a building (including, but not limited to, decks and stairs), when the addition would be within the setback, except where the building is wholly within the setback, in which case, the addition may only be permitted on the portion of the building that does not encroach any further into the required setback.

## VEGETATION CONTROL METHODS

### ***GMA/SMA Policy***

1. State and county highway right-of-way managers should use vegetation control methods that have the least adverse effect on soils, native plant populations, riparian areas, wetlands, and wildlife habitat.

## REVIEW USES

### ***GMA/SMA Policies***

1. Review uses are those uses subject to applicable guidelines for protection of scenic, cultural, natural, recreation, agricultural, and forestry resources and such other guidelines as are specified in the Management Plan. Conditions are often applied to new review uses.

2. Local governments shall notify the four Columbia River treaty tribes, the appropriate state, the Gorge Commission, and the Forest Service of all land use applications that involve land divisions; residential, commercial or industrial development; or the exploration, development, and production of mineral resources.

3. Uses by state or federal agencies shall comply with the policies and guidelines in the Management Plan.

4. The Forest Service shall review and issue a determination of consistency with the Management Plan for projects on federal lands. The Forest Service shall review land use and development actions of federal agencies for consistency with the Management Plan. Federal resource specialists will provide resource review for projects on federal lands.

5. Land use applications for review uses shall include a site plan and elevation drawings that provide complete, detailed information about a proposed use.

6. Land use applications for review uses involving more than 100 cubic yards of grading with slopes greater than 10 percent, except trails in the SMAs, shall include a grading plan.

7. Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment.

## ***GMA/SMA Guidelines***

1. Conditions attached to approval of uses shall be recorded in county deeds and records to ensure notice of the conditions to successors in interest.

2. The Gorge Commission and the Forest Service shall add new resource information to their inventories as soon as it becomes available and shall provide the information to local governments for use in review of proposed projects.

3. All site plans shall include the information listed below. As specified in the guidelines of the Management Plan, supplemental information shall be required for B. forest practices in the SMAs, (2) production and development of mineral resources in the GMA, (3) proposed uses visible from key viewing areas, and (4) proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and sensitive plant sites.

   A. Project applicant's name and address.

   B. Location of the proposed use, including township, range, section, county, and tax lot number.

   C. A written description of the proposed use, including details on the height, exterior color(s), and construction materials of proposed structures.

   D. A list of key viewing areas from which the proposed use would be visible.

   E. A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the reviewing agency to determine the location and extent of the proposed use and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:

      (1) North arrow.

      (2) Map scale.

      (3) Boundaries, dimensions, and size of the subject parcel.

      (4) Significant terrain features or landforms.

(5) Groupings and species of trees and other vegetation on the parcel.

(6) Location and species of vegetation that would be removed or planted.

(7) Bodies of water and watercourses.

(8) Location and width of existing and proposed roads, driveways, and trails.

(9) Location and size of existing and proposed structures.

(10) Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting.

(11) Location and depth of all proposed grading and ditching.

4. Elevation drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

5. The following applications for structural development shall include a grading plan:

A. Applications involving more than 100 cubic yards of grading with slopes greater than 10 percent, except applications for trails in the SMAs.

B. Applications involving more than 200 cubic yards of grading on sites visible from key viewing areas. This plan shall be reviewed by the local government for compliance with key viewing area policies .

C. Grading plans shall include the following:

(1) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:

(a) Existing and proposed final grades.

(b) Location of all areas to be graded, with cut banks and fill slopes delineated.

(c) Estimated dimensions of graded areas.

(2) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

(a) Its purpose.

(b) An estimate of the total volume of material to be moved.

(c) The height of all cut banks and fill slopes.

(d) Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)

(e) A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(f) A description of any other interim or permanent erosion control measures to be used.

6. Expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources proposed on sites more than 4 miles from the nearest key viewing areas from which it is visible may be allowed upon a demonstration that:

A. The site plan requirements for such proposals pursuant to this chapter have been met.

B. The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc., associated with the use would be visually subordinate as visible from any key viewing areas.

C. A reclamation plan to restore the site to a natural appearance that blends with and emulates distinctive characteristics of the designated landscape setting to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with Guidelines 10 and 11 in this section.

D. A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from key viewing areas, including:

(1) A list of key viewing areas from which exposed mining surfaces (and associated facilities/activities) would be visible.

(2) An estimate of the surface area of exposed mining surfaces that would be visible from those key viewing areas.

(3) The distance from those key viewing areas and the linear distance along those key viewing areas from which proposed mining surfaces are

visible.

(4) The slope and aspect of mining surfaces relative to those portions of key viewing areas from which they are visible.

(5) The degree to which potentially visible mining surfaces are screened from key viewing areas by existing vegetation, including winter screening considerations.

(6) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc., and appropriate time frames to achieve such results, including winter screening considerations.

7. Unless addressed by Guideline 6 of this section, exploration, development (extraction and excavation), and production of mineral resources may be allowed upon a demonstration that:

   A. The site plan requirements for such proposals pursuant to this chapter have been met.

   B. The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any key viewing area.

   C. A reclamation plan to restore the area to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with Guidelines 10 and 11 of the “Overall Scenic Provisions” section of this chapter.

8. An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 4 miles from the nearest visible key viewing area shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

9. An interim time period to achieve compliance with full screening requirements for new quarries located less than 4 miles from the nearest visible key viewing area shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

10. For all exploration, development (extraction and excavation), production of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance that blends with and emulates distinctive characteristics inherent to its landscape setting to the maximum extent practicable.

At a minimum, such reclamation plans shall include:

A. A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

B. Cross-sectional drawings of the site showing pre-mining and post-mining grades.

C. Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

D. Description of drainage/erosion control features to be employed for the duration of the use.

E. A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

F. If the site is visible from key viewing areas, the applicant shall also submit perspective drawings of the proposed mining areas as visible from applicable key viewing areas.

11. All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The reviewing agency may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

A. Whether the proposed mining is subject to state reclamation permit requirements;

B. If subject to state jurisdiction, whether an application has been received for a state reclamation permit and, if so, the current status of the application; and

C. For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

12. In the General Management Area, applications for the following uses require a

wildlife survey (See I-3-[#]) and rare plant survey (See I-3-[#]):

A. Land divisions that create four or more parcels,

B. Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities,

C. Public transportation facilities that are outside improved rights-of-way,

D. Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater

E. 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

13. A review use may be allowed only pursuant to a process that provides at least the following:

    A. Notice of the land use application or notice of the initial decision to landowners within 200 feet of the perimeter of the subject parcel unless a greater distance is specified in the Management Plan.

    B. Notice of the land use application to the Forest Service and the Gorge Commission.

    C. An opportunity to request a hearing.

    D. A written decision with findings of fact and conclusions of law.

14. Where local governments have no regulatory authority over state and federal actions, the Forest Service and Gorge Commission shall develop agreements with applicable state, bi-state, or federal agencies for review of the agencies' project proposals.

15. If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

# COLUMBIA RIVER BRIDGE REPLACEMENT

## ***GMA Goal***

1. Ensure that a replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas provides for regional transportation and public safety needs while being consistent with both purposes of the National Scenic Area Act.

## ***GMA Guidelines***

### Visual Quality

1. A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall be visually unobtrusive and harmonious with the surrounding Gorge landscape and the Columbia River. A replacement bridge is exempt from the GMA provisions in Part I, Chapter 1: Scenic Resources, but shall comply with the following visual quality standards:

    A. Utilize recessive dark natural or earth-tone colors for steel components of the bridge, a thin and open structural design that allows views through it to the extent practicable, and consistent design character and ornamental elements;

    B. Employ lighting that provides a safe and pleasant atmosphere for bicycles and pedestrians while not casting glare directly into the sky or onto the river.

### Historic Design Elements

1. A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall incorporate elements that reflect historic design features of National Scenic Area roadways and bridges. The historic themes should be an integral component of the design of the bridge structure, incorporated from “shore to shore.”

2. A replacement bridge should include:

    A. Arches and other traditional structural forms in the bridge;

    B. Historic style benches, lighting, other pedestrian furnishings, and signs/graphic materials consistent with the USFS Graphic Signing System for the National Scenic Area;

    C. Ornamental concrete or steel railings.

### Recreation and Pedestrian/Bicycle Access

1. A replacement Columbia River Bridge between the Hood River and Bingen/White

Salmon Urban Areas shall encourage and promote pedestrian and bicycle use, for recreational enjoyment and to enhance multi-modal transportation connections between the urban areas it connects.

2. The bridge shall include facilities for pedestrians and bicyclists that:

   A. Are permanent;

   B. Are wide enough to safely accommodate and encourage walking, bicycling, and other uses;

   C. Meet safety standards to prevent conflicts among automobiles, trucks, pedestrians, bicyclists, and other users;

   D. Provide multiple sitting and viewing areas with significant upstream and downstream views;

   E. Are safe to approach from both the north and south ends of the bridge and provide strong multi-modal connections, both east-west and to the nearby urban areas.

# SPECIAL USES IN HISTORIC BUILDINGS

## ***GMA Guidelines***

### Additional Review Uses for Historic Buildings

1. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the “Additional Resource Protection Guidelines for Uses in Historic Buildings”: Cultural Resources Guidelines (3)(a) and (b), (4), (5) and (6); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. Voluntary donations and fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

2. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places, and which were former restaurants or inns shall be permitted to re-establish these former uses, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the “Additional Resource Protection Guidelines for Uses in Historic Buildings”: Cultural Resources Guidelines (3)(a) and (b), (4), (5) and (6); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. Banquets, private parties and other special events that take place entirely

within an approved restaurant facility shall be considered a restaurant use allowed under this section.

3. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to hold commercial events, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines (3) through (6); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines.

4. The following additional review uses may be allowed in all GMA land use designations except Open Space and Agriculture-Special on a property with a building either on or eligible for the National Register for Historic Places and that was 50 years old or older as of January 1, 2006, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and "Additional Resource Protection Guidelines for Uses in Historic Buildings":

   A. Establishments selling food and beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and beverages shall be considered a part of the approved use.

   B. Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.

   C. Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property.

   D. Wineries and cideries upon a showing that processing of wine or cider is from 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.

   F. Conference or retreat facilities within a historic building, as the building existed as of January 1, 2006.

   G. Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

   H. Gift shops within a historic building, as the building existed as of January 1, 2006 that are:

(1) incidental and subordinate to another approved use included in Guideline 4 of "Additional Review Uses for Historic Buildings"; and

(2) no larger than 100 square feet in area.

I. Interpretive displays, picnic areas or other recreational day use activities on the subject property.

J. Parking areas on the subject property to support any of the above uses.

5. For the purposes of the guidelines in this section, the term "historic buildings" refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to Cultural Resources Guideline 1 and 2 of "Additional Resource Protection Guidelines for Uses in Historic Buildings."

6. Uses 3 and 4.C are not subject to the "Commercial Events" provisions in Part II, Chapter 7: General Policies and Guidelines of the Management Plan. Commercial events at historic properties will be regulated by the guidelines contained in this section. Applications for commercial events shall include all information in the "Operational Plan for Commercial Events" as specified in Guideline 1.A(3)(d) of "Additional Resource Protection Guidelines for Historic Buildings". The following apply to commercial events at historic properties:

A. Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be incidental and subordinate to the primary use on a parcel.

B. The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

7. Uses 1 and 4.I. are not subject to the parking limits and associated "Facility Design Guidelines" in the Recreation Intensity Classes.

8. Counties may impose additional requirements to address health, safety, and potential impacts to surrounding properties. For example, they may limit noise, parking, traffic, lighting and operating hours.

9. Land use approvals for special uses in historic buildings shall be subject to review by the local government every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to the local government on the progress made in implementing the "Protection and Enhancement Plan" required in Cultural Resources Guideline (3) of "Additional Resource Protection Guidelines for Uses in Historic Buildings". The local government shall submit a copy of the applicant's documentation to the State Historic Preservation Officer (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local

government. If the local government's determination contradicts comments from the SHPO, the local government shall justify how it reached an opposing conclusion. The local government shall revoke the land use approval if the owner has failed to implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan. The local government may, however, allow such a use to continue for up to one additional year from the date a local government determines the applicant has failed to implement the actions if the applicant submits a written statement describing unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule, what progress the applicants have made towards completing such actions, and a proposed revised schedule for completing such actions.

## Additional Resource Protection Guidelines for Uses in Historic Buildings

1. The following guidelines apply to proposed uses listed under "Special Uses for Historic Buildings" in addition to all other relevant guidelines for protection of scenic, cultural, natural and recreation resources:

*A. Cultural Resources*

(1) All applications for uses listed in Guideline 4 of "Additional Review Uses for Historic Buildings" shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in "Historic Surveys and Reports" (Part I, Chapter 2: Cultural Resources). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

(2) Eligibility determinations shall be made by the local government, based on input from the State Historic Preservation Officer (SHPO). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the local government's determination contradicts comments from the SHPA, the local government shall justify how it reached an opposing conclusion.

(3) Applications for Special Uses for Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

(a) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific

actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(b) A statement addressing consistency of the proposed use with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*.

(c) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(d) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

(i) Number of events to be held annually.

(ii) Maximum size of events, including number of guests and vehicles at proposed parking area.

(iii) Provision for temporary structures, including location and type of structures anticipated.

(iv) How the proposed commercial events will contribute to protection and enhancement of the historic resource.

(4) The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Officer (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPO comments shall address consistency of the proposed use with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*, and the effect of the proposed use on the historic resource.

(5) Any alterations to the building or surrounding area associated with the proposed use have been determined by the local government to be consistent with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*. If the local government's final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.

(6) The proposed use has been determined by the local government to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the local government's final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.

*B. Scenic Resources*

(1) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials shall be prohibited.

(2) New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordinance. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.

(3) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days after the event if the local government determines that they will be visually subordinate from Key Viewing Areas.

*C. Recreation Resources*

(1) The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

*D. Agricultural and Forest Lands*

(1) The proposed use is compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(2) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(3) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland.

(4) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland that are within 500 feet of the perimeter of the subject property on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision on an application for a Special Use for a Historic Building.

# RENEWABLE ENERGY PRODUCTION

## ***GMA Guidelines***

1. Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited.

2. Solar and wind power generation that is accessory to a primary structure or allowed use is not considered an industrial use and may be permitted provided that that the capacity for power generation is limited to the expected annual electrical power need of the structure or use . The generating equipment may serve only the parcel on which it is located, or an adjacent parcel in the same ownership and used in conjunction with the subject parcel. Sale of power back to the electrical grid is permitted, provided that it is an occasional event, not ongoing over the course of the year.

3. Equipment attached to an existing structure is an addition to the structure on which it is located.

4. Free-standing equipment is a new accessory structure.

# PART III

# Action Program

CHAPTER

# 1

# Climate Change

*The National Scenic Area is made up of a diversity of intact landscapes, living cultures, and communities that, while vulnerable to climate change impacts, also provide a vital foundation for climate resilience. The Gorge Commission is committed to leading and working with others to reduce the greatest drivers of climate change and adapt to changing conditions with the goal of sustaining a thriving, resilient National Scenic Area for future generations.*

Climate change poses the most wide-reaching and urgent challenge facing resource management agencies today.[1,] Several states, including Oregon and Washington, have taken lead roles in addressing greenhouse gas (GHG) emissions and climate adaptation, emphasizing the importance of acting immediately.[2] As a bi-state agency, the Gorge Commission is positioned to contribute to regional solutions for addressing climate change.

Climate change impacts the scenic, cultural, natural, and recreation resources and the economy and people of the National Scenic Area. Thus, the Management Plan must address it.

The National Scenic Area is particularly vulnerable to the extremes of climate change impacts including wildfire, given its topography and high winds. With a patchwork of land ownership and economies heavily reliant on natural resources, the National Scenic Area is likely to experience climate change impacts intensely.

### Climate change impacts in the National Scenic Area

The National Scenic Area faces numerous current and predicted effects of climate change including extreme heat, warmer average air temperatures, shift from snow to rain, earlier runoff, warmer water temperatures, reduced water quality,

[1] Intergovernmental Panel on Climate Change, 2018: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above preindustrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty [V. Masson-Delmotte, P. Zhai, H. O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J. B. R. Matthews, Y. Chen, X. Zhou, M. I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, T. Waterfield (eds.)]. In Press.

[2] Recognizing that Oregon has “an urgent, moral obligation to set and achieve more ambitious GHG reduction goals,” Executive Order 20-04 calls for the state to reduce its GHG levels at least 80 percent below 1990 emission levels by 2050, building on goals established in previous legislation (ORS 468A.205). The Washington Clean Energy Transformation Act (SB 5116), requiring a transition to a 100 percent clean electricity supply by 2045, is among the strongest legislation in the country aimed at reducing GHG emissions.

increased flooding, drought, landslides, and wildfire, changes in species abundance and distribution, and increased invasive species and diseases.[3]

Some of these changes are already occurring and could have notable impacts on National Scenic Area resources, including:

- Increased frequency and severity of wildfire affecting air quality, visibility, and local economies;
- Increased vulnerability of culturally-important resources, including traditional First Foods, treaty-reserved rights, and cultural sites;
- Flow and water temperature changes threatening aquatic species and habitats; and
- Shifting vegetation ranges impacting the effectiveness of development screening practices.

Given the complex and interconnected nature of climate change impacts in the National Scenic Area, it is essential that climate resilience,[4] adaptation,[5] and mitigation[6] efforts involve federal, bi-state, state, county, city, and tribal governments, as well as the public.

The Management Plan is one of several tools the Gorge Commission, and the National Scenic Area jurisdictions, use to protect and enhance the scenic, natural, cultural, and recreation resources, and the economy of the Columbia River Gorge in the face of a changing climate. The National Scenic Area Act's focus on resource protection, compact urban areas, and protection of agricultural and forestry uses serves as a strong foundation for addressing climate change impacts. Existing Management Plan provisions—such as minimum parcel sizes, resource protection buffers, and mitigation measures—provide a framework to build climate resilience. However, changing conditions require new and thoughtful regionwide policies to secure a healthy and resilient future for the National Scenic Area.

Beyond the Management Plan, the Gorge Commission serves in a variety of roles that advance climate resilience efforts throughout the National Scenic Area. As a regional planning body responsible for the largest National Scenic Area in the country, the Gorge Commission engages on issues such as sustainable recreation; natural hazard mitigation planning and wildfire resilience; transportation; and habitat connectivity. The Gorge Commission also leads the Vital Sign Indicators initiative to monitor long-term trends and policy effectiveness at a landscape scale, which will directly inform

[3] "Summary of Climate Change Effects in the Columbia River Gorge National Scenic Area," Wozniak, October 8, 2019, pages 5-7.

[4] The IPCC defines **resilience** as "the ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity of self-organization, and the capacity to adapt to stress and change."

[5] The IPCC defines **adaptation** in this way: "In human systems, the process of adjustment to actual or expected climate and its effects, in order to moderate harm or exploit beneficial opportunities. In natural systems, the process of adjustment to actual climate and its effects; human intervention may facilitate adjustment to expected climate." Climate change adaptation actions typically include researching and understanding impacts, preparing for and adjusting to impacts, and employing sustainability concepts to achieve objectives or protect valued resources given expected changes.

[6] The IPCC defines **mitigation** of climate change as "a human intervention to reduce the sources or enhance the sinks of greenhouse gases." Mitigation actions typically include minimizing contributions to climate change, slowing and reversing impacts, and storing or sequestering greenhouse gases.

policy changes necessary to continue to accomplish the purposes of the National Scenic Area Act in the context of climate change. In addition, the Gorge Commission engages in regional partnerships to improve implementation of the Plan's policies, while supporting landowner actions to protect and enhance resources vulnerable to climate change impacts.

# GMA PROVISIONS

## *Framework for Action: Climate Change Adaptation and Mitigation*

As a bi-state compact agency committed to protecting and enhancing the scenic, natural, cultural, and recreation resources and economic vitality in the Columbia River Gorge National Scenic Area, the Gorge Commission has a unique responsibility to respond to the urgent threats of climate change. The Gorge Commission manages a large and complex mosaic of land ownership on the doorstep of one of the region's largest metropolitan areas. The policies in this chapter provide a framework for action to address the most pressing and significant impacts of climate change on National Scenic Area resources.

A foundational component of this framework is a Climate Change Action Plan with a target completion date, clear objectives, and integrated monitoring that supports adaptive management through amendments and revisions to the Management Plan. The Gorge Commission is committed to ensuring that equity considerations are integrated into climate change adaptation and mitigation analysis, planning, decision-making, and project implementation.

## *GMA Policies*

1. The Gorge Commission shall develop and adopt a Climate Change Action Plan that is based upon a local climate vulnerability assessment that integrates risk information with regional land use data. The Climate Change Action Plan shall include specific strategies and actions for climate adaptation and mitigation. The Climate Change Action Plan shall include consultation with the four Columbia River treaty tribes, the Forest Service, the six counties in the National Scenic Area, and shall involve the public. The Climate Change Action Plan shall be reviewed by the Gorge Commission and Forest Service and approved if determined to be consistent with the National Scenic Area Act and the Management Plan. The Climate Change Action Plan shall be regularly reviewed and updated as needed, based upon new data and information. The Climate Change Action Plan's focus will be to inform future policy changes that are consistent with the Gorge Commission's authorities and responsibilities. Among the priorities for action planning are these topics:

    A. **Streams and riparian areas** – protecting and enhancing aquatic and riparian systems. This includes expanding stream buffers, requiring vegetation enhancement, protecting cold water refuge habitats for fish, and other approaches.

        (1) Apply a 200-foot buffer width to these EPA priority cold water refuge streams within the GMA: the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, and

Deschutes River. [7] (See guidelines for "Water Resource Buffer Zones" in Part I, Chapter 3: Natural Resources. The Management Plan's natural resource objectives, policies, and guidelines regulate most uses, except activities allowed outright and forest practices that are administered by each state's Forest Practices Act.)

B. **Forest resources** – protecting forested lands for timber production which provides for carbon storage. This includes siting and development standards, land conversion policies, and other approaches.

(1) The Gorge Commission shall prohibit conversion of forest lands to any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation. (See "Land Use Policies" in Part II, Chapter 2: Forest Land.)

C. **Priority Habitats** – protecting Priority Habitats by assessing the risks and likely impacts of climate change and developing policies to adapt to these impacts where possible.

D. **Invasive Species** – protecting biodiversity through invasive species monitoring and management.

E. **Wildfire** – protecting scenic, natural, cultural, and recreation resources from wildfire and reducing the risk of human-caused ignitions from new development and other causes. This includes siting and development standards, building design and materials standards, and other approaches.

F. **Climate change action priorities of the four Columbia River treaty tribes** – protecting culturally-important resources, including traditional First Foods, treaty-reserved rights, and cultural sites.

G. **Agricultural lands** – protecting agricultural lands from conversion to other uses, except for conversion to forest land.

H. **Transportation** – protecting scenic, natural, cultural, and recreation resources, and the economy, of the National Scenic Area through regional transportation solutions that reduce greenhouse gas emissions, lessen congestion, and improve public safety.

2. The Gorge Commission is committed to long-term monitoring that assesses changing conditions of and climate impacts to the scenic, natural, cultural, and recreation resources, and the economy, of the National Scenic Area. The Gorge Commission will include climate change indicators as part of the Vital Sign Indicators (VSI) program. VSI shall inform planning efforts, support decision-

[7] Streams within the GMA that are included in the Draft Columbia River Cold Water Refuges Plan completed by the U.S. Environmental Protection Agency, Region 10 in 2019. This report includes a total of 10 priority streams within the National Scenic Area. Tanner Creek, Eagle Creek, and Herman Creek are entirely within SMAs and currently have a 200-ft buffer within the National Scenic Area.

making, and guide adaptive management.

3. Based upon the findings of the vulnerability assessment and monitoring program, the Gorge Commission may determine that conditions in the National Scenic Area have significantly changed and may exercise its authority to develop responsive Management Plan amendments pursuant to section 6(h).

4. The Gorge Commission will partner with and learn from local, state, and federal agencies; the four Columbia River treaty tribes; non-governmental organizations; and diverse community residents and stakeholders to develop and implement strategies and actions for climate change adaptation and mitigation.

5. The Gorge Commission will develop and implement climate mitigation strategies, as consistent with the Gorge Commission's authorities and responsibilities, that limit and reduce greenhouse gas emissions, enhance forest carbon storage, and encourage renewable energy and transportation solutions. The Gorge Commission will work with regional partners engaged in sustainable transportation planning to convene regional discussions and coordinate strategies on alternatives to automobile transit to achieve multiple objectives under the Act and to reduce greenhouse gas emissions.

6. The Gorge Commission supports development and maintenance of safe, climate resilient infrastructure that strengthens economic and community resilience within the National Scenic Area.

7. The Gorge Commission encourages and supports voluntary efforts, consistent with the Management Plan, to improve climate change resilience through landscape health, stream enhancement, and other proactive measures.

# SMA PROVISIONS

The Forest Service recognizes that climate change affects resources and human communities at all scales – globally, in the Pacific Northwest, and in the National Scenic Area. The Forest Service integrates climate change information into decision making during land management planning and project development. Implementing effective climate change management actions across large landscapes will require continued close coordination between federal, state and county agencies, tribal governments, non-governmental organizations, industry partners, and private landowners.

Climate change adaptation actions can be taken to reduce vulnerability to climate change effects. Adaptation actions will be necessary to maintain resilient ecosystems and to protect and enhance scenic, natural, cultural and recreation resources while supporting the economies of the National Scenic Area.

Existing SMA policies and guidelines for resource protection and enhancement are inherently climate adaptive. These policies and guidelines include protecting forest and agricultural lands for forest and agricultural uses, forest practice guidelines that promote forest resilience, wildlife habitat and rare plant protections, substantial buffers for aquatic resources, and guidelines for resource enhancement projects.

The Forest Service has taken steps to identify locally relevant adaptation actions by developing climate change vulnerability assessments for geographic regions within Oregon and Washington. These vulnerability assessments are developed through a collaborative science-management partnership established to synthesize regionally focused climate change science, assess resource-specific climate change vulnerabilities, and develop locally relevant climate change adaptation strategies and tactics. A vulnerability assessment that includes the Gifford Pinchot National Forest has been completed. At the time of this writing the vulnerability assessment for the Columbia River Gorge National Scenic Area, Mt. Hood National Forest, and Willamette National Forest is undergoing peer review and is anticipated for publication as a Forest Service General Technical Report by the end of 2020.

The Forest Service works with other state and federal agencies, private landowners, non-governmental organizations, and tribal governments to foster climate-informed, sustainable land management. In the National Scenic Area, The Forest Service will continue to provide updated science and management recommendations related to climate change adaptation and mitigation, and will provide ongoing, science-based technical assistance to the Gorge Commission.

## *SMA Policies*

1. The Forest Service supports the Gorge Commission's intent to develop a Climate Change Action Plan based upon local climate change vulnerability assessments.

2. The Forest Service is committed to continued long-term monitoring that assesses climate change impacts to the scenic, natural, cultural, and recreation resources and the economy of the National Scenic Area.

3. Based upon the findings from efforts such as the vulnerability assessments and ongoing monitoring programs, the Forest Service may evaluate whether conditions in the National Scenic Area have significantly changed and may exercise its authority to develop Management Plan amendments pursuant to section 6(h) of the National Scenic Area Act.

4. The Forest Service will continue to partner with and learn from local, state, and federal agencies, the four Columbia River treaty tribes, non-governmental organizations, the Gorge Commission, and others to develop and implement strategies and actions for climate change adaptation and mitigation in the National Scenic Area.

5. The Forest Service supports development and maintenance of safe, climate resilient infrastructure, consistent with the Management Plan, that strengthens economic and community resilience within the National Scenic Area.

6. The Forest Service encourages and supports voluntary efforts, consistent with the Management Plan, to improve climate change resilience through protection and enhancement of the scenic, natural, cultural and recreation resources.

CHAPTER

# 2

# Recreation Development Plan

When developed as part of the first Management Plan, the Recreation Development Plan provided the policy framework for implementing high-priority proposed public recreation facilities in the National Scenic Area. The GMA and Urban Areas Provisions outlined the process for identifying priority recreation projects and the criteria by which project applicants seeking National Scenic Area grants should be evaluated.

In the SMA section, the Recreation Development Plan provides goals and policies for evaluating whether proposals achieve the recreation goals and objectives of the National Scenic Area Act.

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Section 16 of the National Scenic Area Act authorized $10 million for the construction of recreation facilities plus $2.8 million specifically to restore and reconstruct abandoned segments of the Historic Columbia River Highway. While the majority of these funds have been spent, the Recreation Development Plan can still provide guidance for prioritizing recreation development in the Gorge and for the use of public and private funds in supporting the development of those sites.

# GMA AND URBAN AREA PROVISIONS

## ***GMA and Urban Area Goal***

Identify those highest priority recreation projects that best meet the recreation goals and objectives of the Management Plan and facilitate their implementation through the Recreation Development Plan.

## ***GMA and Urban Area Policies***

1. The Gorge Commission created an "Inventory of Potential Recreation Sites" and an "Inventory of Potential Trails and Travelways" to prioritize receipt of federal funds as authorized in Section 16 of the National Scenic Area Act. The Gorge Commission may update these inventories to include new proposals that meet the Goals, Objectives, and Policies for Recreation Resources in the Management Plan. These inventories are referred to in the remaining policies of this chapter as "the potential recreation inventories."

2. Recreation development proposals added to the potential recreation inventories shall be evaluated against applicable Management Plan policies for the protection of natural, cultural, and scenic resources and consistency with tribal treaty rights.

3. Inclusion in the potential recreation inventories indicates the Gorge Commission's overall support of recreation development at that particular site. Sites listed in the potential recreation inventories are not presumed to meet the Management Plan guidelines for the protection of natural, cultural, and scenic resources and consistency with tribal treaty rights. All new recreation developments are subject to review by the appropriate permitting agency.

4. The Gorge Commission may update the potential recreation inventories to include sites in urban areas, in in consultation with port districts, city and county park agencies, tribal governments, and other appropriate groups. To be included, potential recreation developments in urban areas shall demonstrate compliance with GMA Management Plan policies regarding the following:

   A. Tribal treaty rights.

   B. Wetlands, aquatic and riparian areas.

   C. Sensitive wildlife habitat.

   D. Sensitive plants.

   E. Cultural resources.

5. Urban area projects included in the potential recreation inventories shall be designed in a manner that is compatible with, and where practicable, enhances the visual quality of their setting. These projects should include design features such as generous plantings of native riparian vegetation, screening of parking areas, minimizing large areas of parking lots, minimizing grading, providing public green spaces, etc. Projects that rehabilitate and improve the aesthetic quality of previously disturbed areas will be given preferential support.

6. Those projects specified in the potential recreation inventories should be considered for the receipt of public or private grant monies, to support the growth of recreation resources in the National Scenic Area.

7. Preferential consideration for funding should be given to projects demonstrating the following characteristics:

   A. Provision of equitable and accessible opportunities that enhance opportunities for underserved populations.

   B. Provision of accommodation for walking or bicycling paths, or mass transportation facilities.

   C. Resolution of traffic congestion issues at existing sites.

   D. Favorable investment/user ratio.

   E. Agency partnerships.

   F. Strong public support and partnerships.

   G. Enhancement of scenic, natural, and cultural resources.

8. The Gorge Commission shall periodically monitor implementation of projects wholly or partially funded pursuant to Section 16(b) of the National Scenic Area Act to evaluate their compliance with Policy 7, above.

# SMA PROVISIONS

## ***SMA Goal 1***

Provide opportunities for public and private recreation use and access to the Columbia River.

## ***SMA Policies***

1. Increased access to the Columbia River should be provided where it is feasible.

2. Opportunities for private recreation resource enhancement should be provided through partnership with public agencies and through application of the Recreation Intensity Class guidelines (Part I, Chapter 4: Recreation Resources).

## ***SMA Goal 2***

Provide a diversity of trail opportunities in the National Scenic Area.

## ***SMA Policies***

1. Trails should be provided to link urban areas and recreation opportunities in the National Scenic Area.

2. A loop trail through the National Scenic Area should be supported.

3. Equestrian and mountain bike use should be limited to areas where natural resource sensitivities are low.

4. Trail systems and new trails should incorporate existing segments of older, abandoned, or historic trails.

## ***SMA Goal 3***

Increase public awareness, understanding, and appreciation of the scenic, natural, cultural, economic, and recreational resources of the National Scenic Area.

## ***SMA Policies***

1. Policies for interpretation and education are found in Part III, Chapter 4: Interpretation and Education.
2. New scenic viewpoints should be provided to showcase the grand panoramas of the National Scenic Area.
3. Provide culturally-sensitive educational, interpretive and inclusive programs and communication.

## ***SMA Goal 4***

Provide for the restoration and connection of the remaining segments of the Historic Columbia River Highway in keeping with its National Register status.

## ***SMA Policies***

1. The corridor of the Historic Columbia River Highway should be managed in cooperation with the State of Oregon as an historic visitor attraction.
2. Intact and usable highway segments should be connected with recreation trails to create a continuous route through the Columbia River Gorge that links local, state, and federal recreation and historic sites.
3. The recommendations identified in *A Study of the Historic Columbia River Highway* (1987) should be followed for restoration and connection projects.

## ***SMA Goal 5***

Maximize customer service and cost-effectiveness of recreation opportunities by using partnerships of user groups and recreation providers to design and construct recreation facilities.

## ***SMA Policies***

1. Partnerships between private entities, agencies, or organizations are the preferred approach for developing recreation facilities.
2. Recreation development shall be coordinated with present and proposed recreation activities of local and state land use plans or outdoor recreation plans, particularly the state Comprehensive Outdoor Recreation Plan.
3. Cooperative planning with appropriate agencies and tribal governments should be

encouraged where proposed in-lieu or treaty fishing access sites may provide multiple benefits.

CHAPTER

# 3

# Economic Development

The Columbia River Gorge National Scenic Area spans 85 miles of the Columbia River and includes 292,500 acres of diverse landscapes and 13 urban areas, and. is home to more than 55,000 people.-Congress intended the National Scenic Area Act to support the economies within the National Scenic Area. One of the Act's two stated purposes is "to protect and support the economy of the Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with protection of scenic, cultural, recreation, and natural resources [Section 3(2)]."

The term "economic vitality" as used in this chapter, refers to a strong and diverse economy that contributes to increased prosperity, job opportunities, and an enhanced quality of life. As stated in the National Scenic Area Oregon and Washington Economic Vitality Plan (2016): "The purpose of the National Scenic Area Oregon and Washington Economic Vitality Plan is to set forth a vision and strategies for enhancing the economy and quality of life of Oregon and Washington communities located within the National Scenic Area". The economic vitality of the National Scenic Area and the health of the scenic, natural, recreational, and cultural resources of the Columbia River Gorge are interdependent. The goals and policies in this chapter support the vision of a thriving economy supporting diverse business opportunities that operate in harmony with the National Scenic Area's qualities, values, and resources, especially with the economic sectors, such as agriculture, forestry, high tech, health care, manufacturing and processing, and tourism.
Climate change directly and indirectly affects many of the region's current economic sectors. Addressing climate change will improve the viability of those economies into the future. The Gorge Commission supports economic development that contributes to reducing climate change impacts.

This chapter focuses on the General Management Area as the primary location for commercial development. The Special Management Areas (SMAs) include the region's most sensitive lands and resources. In the National Scenic Area Act, Congress explicitly limited new development in the SMAs, and directed commercial development to take place outside of the SMAs.

# GMA PROVISIONS

## *GMA Goals*

1. Protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas.

2. Protect and support the economy of the Columbia River Gorge area by allowing future economic development in a manner that is consistent with the protection and enhancement of the scenic, cultural, recreation, and natural resources of the Columbia River Gorge.

## *GMA Policies*

1. The Gorge Commission shall consult with the states of Washington and Oregon in the states' updates to their coordinated Economic Vitality Plan developed pursuant to Section 11 of the National Scenic Area Act.

2. The Gorge Commission recognizes the importance of their participation in updates to the regional Comprehensive Economic Development Strategy (CEDS) as may be requested by Mid-Columbia Economic Development District, the bi-state economic development entity that coordinates the CEDS planning process.

3. The Gorge Commission supports the economic development efforts of the states of Oregon and Washington pursuant to their Economic Vitality Plan as long as these efforts are consistent with the National Scenic Area Act and the Management Plan. The Gorge Commission recognizes and supports the importance of the economic vitality efforts of regional and community organizations and the four Columbia River treaty tribes pursuant to their economic development strategic plans and as consistent with the purposes and standards of the National Scenic Area Act and the Management Plan.

4. Agriculture and forest industries in the Columbia River Gorge shall be protected and supported by:

    A. preventing fragmentation of the land base;

    B. minimizing interference with agricultural and forest practices from conflicting uses;

    C. enhancing agricultural lands for agricultural uses, forest lands for forest uses and forest lands for agricultural uses;

    D. being consistent with the strategies listed in the Economic Vitality Plan to provide ongoing support for these uses;

    E. encouraging conservation efforts such as renewable energy and water efficiency; and

F. allowing commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use.

5. The economic vitality of the Gorge economy shall be enhanced by encouraging growth to occur in urban areas.

6. The following commercial uses may be allowed outside urban areas:

   A. Home occupations in all designations except Open Space.

   B. Commercial recreation in appropriate Recreation Intensity Classes throughout the National Scenic Area.

   C. Commercial uses in conjunction with public recreation on lands designated Public Recreation.

   D. Conversion of existing industrial sites to commercial use.

   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 wine or cider sales or tasting room, bed and breakfast inn, commercial use, or dwelling listed in the National Register of Historic Places.

   G. Commercial uses in all GMA designations except Open Space and Agriculture Special on a property with a building either on or eligible for the National Register of Historic Places, and that was 50 years or older as of January 1, 2006.

7. The Gorge Commission shall support the economy of the Gorge by integrating recreation development at appropriate rural locations with adequate infrastructure and by coordinating with appropriate organizations.

8. The Gorge Commission recognizes the importance of adequate, efficient and reliable infrastructure (such as water, sewer, transportation network, energy, telecommunications, and broadband) to protect health and safety, and to support the economic vitality of the Gorge.

9. The Gorge Commission recognizes the special role of the five ports in the National Scenic Area as providers of river transportation and recreation facilities in urban areas and supports their efforts to stimulate urban waterfront economic development.

10. The Oregon Investment Board and the Washington Investment Board review economic development proposals for loans and grants in the National Scenic Area and recommend the projects for federal funding appropriated for this purpose. The Gorge Commission encourages the states of Washington and Oregon to coordinate their economic development efforts in order to maximize the benefits of federal dollars to all Gorge communities.

    A. Prior to the approval of any grant under the states' plans for economic development projects pursuant to Section 11 of the National Scenic Area Act, the Gorge Commission shall certify that all activities undertaken under the grant are consistent with the purposes of the National Scenic Area Act, the Management Plan, and land use ordinances adopted pursuant to the National Scenic Area Act.

    B. If such activities would take place wholly within an urban area, the Gorge Commission shall, after consultation with the appropriate city or county, certify that the activities are consistent with the National Scenic Area Act, the Management Plan, and land use ordinances. The Gorge Commission shall maintain this certification process so that it is simple, efficient, and speedy to not delay consistent activities. The details of economic development projects shall be confidential and consistent with Gorge Commission rules on disclosure of public records.

CHAPTER

# 4

# Enhancement Strategies

The first purpose of the National Scenic Area Act is "to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge" [Section 3(1)]. *Webster's New Collegiate Dictionary* (C. and G. Merriam Co. 1977) defines "enhance" in the following ways: 1) to raise, and 2) to make greater (as in value, desirability, or attractiveness).

This chapter includes the Management Plan's specific objectives for enhancement of the resources of the Columbia River Gorge. The subjects covered include scenic, cultural, recreational, and natural resources, as well as forest and agricultural lands and emergency services. Some of these objectives are also referenced in the specific chapters on a particular resource or land use designation. For the most part, the enhancement strategies represent non-regulatory approaches to achieve enhancement objectives. These strategies include landowner incentives, technical assistance, educational programs, and voluntary intergovernmental agreements.

# OVERALL GMA AND SMA ENHANCEMENT STRATEGIES

## ***GMA/SMA Objectives***

1. Encourage the establishment of, and support existing, public or private conservancies to acquire or otherwise protect those lands within the GMA for which the Management Plan cannot offer adequate protection without denying a reasonable economic use. Seek funds to enhance conservancies' efforts in the National Scenic Area. Seek acquisition priority for tracts of private land designated Open Space; for other lands with sensitive scenic, cultural, or natural resources; and for lands whose owners are confronted with unusual hardship resulting from application of policies or guidelines in the Management Plan.

2. In consultation with state and federal agencies, the counties, and the four Columbia River treaty tribes, develop handbooks for landowners to inform them of opportunities to protect and enhance natural and scenic resources on their lands, including assistance programs offered by state and federal agencies.

3. Establish a Vegetation Advisory Committee to advise the Gorge Commission, the Forest Service, the Washington and Oregon Departments of Transportation, and county road departments on improvement of vegetation management techniques to protect scenic, cultural, and natural resources.

# SCENIC RESOURCES ENHANCEMENT STRATEGIES

## ***GMA/SMA Objectives***

1. Screen or improve the appearance of features not consistent with their landscape setting within the National Scenic Area.

    A. In conjunction with local governments, develop an inventory of discordant features in the Gorge landscape.

    B. Establish a program of incentives to bring existing structures into compliance with guidelines for scenic resources, prioritizing discordant features in the foreground of scenic travel corridors.

        (1) Rehabilitate roadcuts and other disturbed areas in the landscape.

        (2) Encourage removal of abandoned structures.

(3) Encourage removal or replacement of signs that do not conform to the sign guidelines for the GMA and SMAs (Part I, Chapter 1: Scenic Resources).

(4) Work with local governments to offer technical assistance and design suggestions to private developers.

(5) Provide incentives to convert existing industrial complexes to uses more consistent with the purposes of the National Scenic Area Act and land use designation.

C. Establish coordinated, cooperative programs with the Oregon and Washington Departments of Transportation, the Bonneville Power Administration, utilities, and the railroads to reduce the visual effect of existing facilities. The programs should:

(1) Encourage the railroads and utilities to place signal wires and powerlines underground where they are visually dominant and detract from the visual quality of the landscape.

(2) Encourage the use of visually subordinate colors on existing equipment.

(3) Encourage improvement of existing rights-of-way by restoring vegetation to its natural appearance.

(4) Encourage the use of integrated practices in managing vegetation in the foreground of scenic travel corridors.

D. Undertake the following activities in the SMAs:

(1) Revegetate clearcuts and disturbed areas with native vegetation wherever appropriate.

(2) In the Gorge Walls, Canyons, and Wildlands setting, obliterate and revegetate unused and closed roads and remove non-historic structures or other developed features.

(3) Acquire scenic easements, where necessary, to reduce development pressures and maintain uses that exemplify the landscape setting.

2. Improve the visual and recreational quality of the scenic travel corridors by implementing the recommendations in the Corridor Visual Inventory (April 1990) and the highway corridor strategies for Washington State Route 14, Interstate 84, and the Historic Columbia River Highway.

A. Develop a memorandum of understanding with the Oregon and Washington Departments of Transportation to carry out the recommendations in the

Corridor~~s~~ Visual Inventory.

B. Encourage the Oregon and Washington Departments of Transportation to take the following measures to improve the visual quality of scenic travel corridors:

(1) Place reflectors on guardrails rather than on free-standing posts.

(2) Remove unnecessary highway signs; consolidate necessary signs where possible.

(3) Replace sections of white guardrail where white contrasts noticeably with gray or galvanized sections.

(4) Eliminate unnecessary construction berms.

(5) Close unused road access points from scenic travel corridors.

(6) Eliminate maintenance stockpile sites that are visible from scenic travel corridors.

(7) Create or restore openings in vegetation along Washington State Route 14, Interstate 84, and the Historic Columbia River Highway to provide or improve views of the Columbia River and the walls of the Gorge in a manner that does not adversely affect scenic, cultural, natural, or recreation resources of the National Scenic Area.

C. Encourage communities along scenic travel corridors to enhance the entries to their communities.

D. Provide Forest Service cost-share funding, including recreation funds, in order to encourage the placement of National Scenic Area entry signs consistent with the Columbia River Gorge National Scenic Area Graphic Signing System.

3. Coordinate with federal and state agencies on air quality and visibility in the National Scenic Area, and utilize the results of such monitoring in developing and updating the regional air quality protection and enhancement strategy described in SMA Natural Resources Wildlife and Plants Policy 15 (Part I, Chapter 3: Natural Resources).

4. Encourage timber operators in the GMA to protect scenic values in scenic travel corridors, using the following measures:

A. Ask project applicants to seek technical assistance to protect scenic values.

B. Encourage the Forest Service or other appropriate entities to provide

technical assistance to project applicants and local government.

C. Encourage project applicants to design cut size, location, prescription, and pattern to consider effects on scenic values in travel corridors.

D. Encourage use of conservation easements to mitigate project impacts, protect resources, and recognize property values.

## CULTURAL RESOURCES ENHANCEMENT STRATEGIES

### ***GMA/SMA Objectives***

1. Increase understanding of and appreciation for cultural resources.

   A. Promote educational and interpretive programs that increase public awareness of cultural resources.

   B. Develop cooperative programs with Native Americans to enhance public understanding of their cultural history.

   C. Increase public awareness of historic structures and sites and of the National Register of Historic Places.

   D. Encourage increased efforts to research and document the cultural history of the area through ongoing oral history projects, including interviews of long-term residents and Native Americans.

2. Promote the protection, restoration, and enhancement of cultural sites.

   A. Seek funds for a complete cultural resource inventory of the National Scenic Area, in coordination with tribal and local governments and state and federal agencies.

   B. Determine an appropriate strategy for protection of sensitive cultural resource sites such as Miller Island.

   C. In coordination with the four Columbia River treaty tribes, identify and map traditional plant-gathering areas and restore the plant habitat wherever possible.

   D. Identify and interpret Oregon trail locations throughout the National Scenic Area.

   E. Develop a comprehensive strategy for the entire National Scenic Area to

integrate all law enforcement efforts for purposes of cultural resources protection.

F. Expand education programs to prevent vandalism.

3. Encourage enhancement of historic and landmark structures and cultural landscapes.

A. Promote public awareness of tax and other incentives available for the protection of historic buildings.

B. Promote retention or rehabilitation of historic rock guardrails and other historical components of the highway rights--of--way wherever practicable.

C. Ensure that restoration projects are consistent with National Register status of structures, facilities, or landscapes.

D. Encourage local governments to expand existing incentives for the protection of historic buildings, including adopting resolutions or ordinances that facilitate landowner access to federal and state programs providing such incentives.

## NATURAL RESOURCES ENHANCEMENT STRATEGIES

### ***GMA/SMA Objectives***

1. Enhance soil, water, and air resources to ensure sustainability of natural resources over time.

A. Facilitate implementation of Natural Resources Conservation Service and land-grant university cooperative extension programs to increase soil productivity and to conserve water.

B. Develop a program to enhance soil water retention and reduce runoff. Give preference to use of native species.

C. As part of long-term National Scenic Area monitoring, encourage federal and state agencies and others to undertake a comprehensive water quality monitoring program on the Columbia River and its major tributaries.

2. Establish cooperative programs to enhance significant natural resources in the National Scenic Area. Programs should emphasize public lands, while encouraging participation by private landowners.

A. Develop a comprehensive program to inventory existing oak woodlands and propose methods for their protection, including incentives for property owner cooperation and support, acquisition of sensitive stands, and easements to preserve the oaks on large parcels.

B. Work cooperatively with private owners, native plant societies, concerned individuals, and other organizations to enhance floral habitats. Expand the inventories of wildflower areas throughout the National Scenic Area; develop protection guidelines and strategies, such as easements, acquisition, and mitigations; and encourage nurseries to carry native species for landscaping or mitigation proposals.

C. Support the Northwest Power Planning Council's efforts to restore anadromous fish runs in the Columbia River. Participate in these efforts by implementing the Forest Service three-region fish policy for coordinated management of anadromous fish resources.

D. Work cooperatively with the state wildlife agencies and landowners to enhance conservation of winter range and to identify and develop strategies (including tax incentives) for non-game wildlife habitat conservation and enhancement.

E. Continue and expand programs to enhance waterfowl habitat and shallow-water fish habitat, including cold water refuge habitat.

F. Provide Forest Service evaluation of identified natural areas for possible designation as a Research Natural Area (RNA). Where appropriate, prepare reports and recommendations for RNA designation.

G. In cooperation with state and federal agencies, design and implement a restoration and enhancement program for wetlands and riparian areas, to include revegetation and stream channel improvements for water quality and wildlife and fish habitats.

H. Encourage the use of forest management and fire, as appropriate, to restore and perpetuate natural ecosystems.

3. Develop educational and technical assistance programs to expand public awareness and understanding of ecological principles and ecosystem management.

A. Develop public education opportunities that foster better appreciation and understanding of natural resources and land stewardship. These opportunities should be closely linked to the Columbia River Gorge National Scenic Area Interpretive Strategy.

B. Develop an interagency education program to foster protection of wetlands

and riparian areas from cattle grazing.

C. In cooperation with the appropriate state and federal agencies (e.g., State Extension Services), develop supporting documentation and provide technical assistance for landowners exploring alternatives to chemical use for vegetation management.

## RECREATION RESOURCES ENHANCEMENT STRATEGIES

### ***GMA/SMA Objectives***

1. Enhance the recreational experience in the National Scenic Area.

   A. Encourage the creation or restoration of openings in vegetation along Washington State Route 14, Interstate 84, and the Historic Columbia River Highway to provide or improve views of the Columbia River and the walls of the Gorge.

   B. Promote programs that increase awareness and appreciation of the great diversity of natural, cultural, scenic, and recreation resources of the National Scenic Area.

   C. Encourage provision of alternative modes of transportation (including bus, shuttles, rail, and boat) to recreation destinations in order to reduce resource impacts and to facilitate visitation by all segments of the public.

   D. Encourage provision of transportation modes that are recreational in nature.

   E. Improve linkages between different modes of transportation at major recreation sites in the National Scenic Area.

   F. Encourage comprehensive recreation planning that fosters a unified, regional approach across jurisdictions.

   G. Provide equitable and accessible opportunities and facilities for recreational access to the Columbia River and its tributaries, scenic appreciation, and other resource-based recreation uses.

## FOREST LAND ENHANCEMENT STRATEGIES

### ***GMA/SMA Objectives***

1. Enhance the ability of forest land to ensure continued productivity and to provide scenic, natural, cultural, recreation, and economic benefits over time.

A. Enhance forestry on lands designated Commercial Forest Land or Large or Small Woodland by encouraging consolidation of small, inefficient tracts into more efficient ownerships.

B. Enhance forestry by encouraging Washington and Oregon to consider grants and loans to secondary processors of forest products under Section 11 of the National Scenic Area Act and other economic development programs.

C. The Forest Service will undertake the following actions:

(1) Develop cooperative programs with state agencies, educational groups, and concerned individuals to encourage the protection and integration of soils, forest ecosystems, long-term productivity, and natural resources.

(2) Initiate forest management projects to demonstrate good stewardship and long-term sustainable forest management.

(3) Provide technical assistance to forest managers for design of forest management activities to ensure sustained productivity.

(4) Increase public awareness of existing programs designed to ensure sustained productivity, such as the forestry incentive program and the use of easements.

(5) Develop incentive programs to encourage long-term stewardship for small woodlot management.

(6) Assist with marketing and research efforts to enhance the economic viability of secondary manufacturing for wood products, increased utilization of wood products, value-added wood products, and other miscellaneous forest products.

# AGRICULTURAL LAND ENHANCEMENT STRATEGIES

## ***GMA/SMA Objectives***

1. Enhance the economic, social, and ecological sustainability of agricultural land.

A. Encourage consolidation of small, inefficient parcels of agricultural land into larger, more efficient tracts.

B. Support and promote the Oregon and Washington farm value assessment programs that provide tax incentives for continued agricultural use and

enhance the competitive capabilities of farms and ranches to encourage the long-term enhancement, preservation, and expansion of agricultural lands. Support programs that encourage agricultural practices that preserve other natural resources.

C. Develop new strategies to provide incentives for soil and water conservation and for sustained agricultural productivity.

D. Promote public education programs that foster greater understanding of agricultural practices, agricultural ecosystems, and good stewardship of the land.

E. Encourage cooperative programs with state and federal agencies and the Natural Resources Conservation Service that integrate wildlife needs with agricultural practices. Such practices could include retention of hedge rows, construction of windrows, management of small commercial woodlands, restoration of native grasses, restoration of wetlands, and integrated pest management.

F. Encourage the protection of non-commercial woodlands, such as oak stands, for groundwater replenishment, soil retention, and wildlife habitat needs.

G. Enhance agriculture by allowing processing and packing of agricultural products and other uses that offer direct marketing opportunities, subject to review, to minimize the loss of agricultural land and to limit the size and scale of use.

## EMERGENCY SERVICES STRATEGIES

### ***GMA/SMA Objectives***

1. With facilitation by the Forest Service, implement a coordinated, interagency emergency response plan for the National Scenic Area. The plan should address law enforcement; search and rescue services; and fire, hazardous materials, and catastrophic event response services. The plan should include the following elements:

   A. A coordinated incident command system developed by the agencies and communities in the Gorge, including federal, state, county, city, and protection district agencies.

   B. A Forest Service interagency fire management strategy, including an assessment of fire potential.

   C. Consultation with a Forest Service resource advisor during emergency situations, including fire suppression, law enforcement, search and

rescue, hazardous materials, and other catastrophic incidents, in order to avoid adversely affecting scenic, cultural, recreation, and natural resources.

D. Increased law enforcement services on National Forest lands by the Forest Service and by interagency agreements.

CHAPTER

# 5

# Interpretation and Education

Interpretive and educational programs and facilities are an important part of Congress's vision for the National Scenic Area, as well as the vision of the Gorge Commission and Forest Service, expressed through the provisions of the Management Plan. Sections 6 and 8 of the National Scenic Area Act specifically direct both agencies to "identify areas suitable for. . . public use facilities. . . including. . . educational and interpretive facilities."

This chapter provides a basic policy framework to support the interpretative and educational programs for the National Scenic Area. Specific goals, objectives, and policies for interpretation are included in Part I, Chapter 4: Recreation Resources.

The 1991 *Interpretive Strategy for the Columbia Gorge National Scenic Area* provided detailed recommendations for interpretive themes, facilities, and programs at particular sites in the National Scenic Area for when the first Management Plan was adopted.

# GMA/SMA PROVISIONS

## ***GMA/SMA Goal***

Protect and enhance the human and natural resources of the National Scenic Area by increasing public awareness, understanding, and appreciation of them.

## ***GMA/SMA Policies***

1. Provide interpretive and educational facilities and activities that increase awareness, understanding, and appreciation of the diversity of National Scenic Area resources and their interrelationships.

2. Provide interpretive and educational facilities and activities that increase awareness and understanding of how Gorge resources have affected human activity, and how human activity has affected and continues to affect all the resources of the Gorge, in order to engender a higher degree of cultural literacy and sensitivity to the landscape and Gorge resources.

3. Provide interpretive and educational opportunities that attract visitors to the Gorge, meet their needs, enhance their experience, and increase their knowledge.

4. Provide a full spectrum of equitable and accessible (regardless of income level, ethnicity, gender, ability, or age) interpretive and educational opportunities.

5. Implementation of interpretive and education facilities and activities in the National Scenic Area should incorporate relevant recommendations of the 1991 *Interpretive Strategy for the Columbia Gorge National Scenic Area* that are applicable to modern interpretative practices.

6. The Gorge Discovery Center at Crate's Point should be the focus and nucleus of interpretive planning and activities in the National Scenic Area. Interpretive staff should coordinate with other agencies and partners, including the Skamania Lodge Conference Center.

7. Establish an environmental education program based on the resources of the Gorge for elementary through secondary students and adult groups.

8. Establish four gateway centers with self-guided interpretive and educational facilities, a series of information stations, and National Scenic Area entry signs to provide Gorge-wide visitor orientation information and interpretation based on the immediate environment.

9. All interpretive and educational facilities, activities, and media shall be designed to comply with all the guidelines and policies of the Management Plan.

10. Measures to protect sensitive scenic, cultural, and natural resources shall be required as part of any interpretive or educational effort. Tribal consultation shall be required for any efforts involving interpretation of Native American precontact

history, postcontact history, or culture.

11. Interpretive and educational facilities shall be funded through recreation appropriations and partnerships.

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# PART IV

# Administration

CHAPTER

# 1

# Gorge Commission Role

Congress assigned to the Gorge Commission a number of duties to implement the National Scenic Area Act. The policies in this chapter define the manner in which The Gorge Commission will carry out these duties. The Gorge Commission implements some of these policies directly and some of these policies through its Gorge Commission rules.

## AMENDMENT OF THE MANAGEMENT PLAN

In section 6(h) of the National Scenic Area Act, Congress gave the Gorge Commission the authority to amend the Management Plan at any time if it determines that conditions within the National Scenic Area have changed significantly.

### ***Policies***

1. The Gorge Commission may amend the Management Plan upon application by any person or upon its own initiative. The National Scenic Area Act does not require the Gorge Commission to consider amendments to the Management Plan. The Act does not entitle any person or entity to have the Gorge Commission consider an application to amend the Management Plan.

2. The Gorge Commission shall consider a proposal to amend the Management Plan at a hearing held for that purpose only after consultation with the Forest Service, the four Columbia River treaty tribes, and the appropriate county or counties.

3. The Gorge Commission shall consider a plan amendment upon a final judicial determination that a taking of private property has occurred as a result of application of the Management Plan. The judicial determination shall be deemed a significant change in conditions under Section 6(h) of the National Scenic Area Act.

4. The Gorge Commission must approve amendments to the Management Plan by

the same majority voting and concurrence requirements specified in sections 6(c) and 6(f) of the National Scenic Area Act for adoption of the Management Plan.

## REVISION OF THE MANAGEMENT PLAN

In section 6(g) of the National Scenic Area Act, Congress directed the Gorge Commission to review the Management Plan no sooner than five years after adoption of the Management Plan, but at least every ten years to determine whether it should be revised.

### ***Policies***

1. The Gorge Commission shall review the Management Plan between five and ten years after adopting the latest revision to the Management Plan.

2. As part of its review, the Gorge Commission shall consult the four Columbia River treaty tribes, the states of Oregon and Washington, and the counties during the review to solicit their views on whether the Management Plan should be revised and how it should be revised.

3. As part of its review, the Gorge Commission shall hold one or more public hearings to solicit the views of the public as to whether and how the Management Plan should be revised.

4. The Gorge Commission shall collaborate with the Forest Service to determine whether revisions should be made to the Management Plan.

5. If the Gorge Commission revises the Management Plan during its review, it must adopt the revisions by the same majority voting and concurrence requirements specified in sections 6(c) and 6(f) of the National Scenic Area Act for adoption of the Management Plan.

## MONITORING IMPLEMENTATION OF THE MANAGEMENT PLAN

Once the Gorge Commission has adopted the Management Plan and the counties have put ordinances in place to give it effect, Congress, the states of Oregon and Washington and the people of the Gorge and the nation are entitled to know how the Management Plan is working. The Gorge Commission shares responsibility with the Forest Service to monitor and evaluate the implementation of the Management Plan.

In section 15(a)(1) of the National Scenic Area Act, Congress expressly directed the Gorge Commission to monitor implementation of the Management Plan by the counties:

> The Commission shall monitor activities of counties pursuant to this Act and shall

take such actions as it determines are necessary to ensure compliance.

It is not just the counties, however, that have implementation duties under the National Scenic Area Act and the Management Plan. The Forest Service, other federal agencies, state agencies, local governments, and the Gorge Commission itself all have responsibilities after the Management Plan is adopted. Activities by all of these entities will, to a large extent, determine the success of the National Scenic Area Act and Management Plan.

## ***Policies***

1. The Gorge Commission shall work with the Forest Service, the counties, the four Columbia River treaty tribes, local governments, and state and federal agencies to establish a program for monitoring and evaluating the implementation of the National Scenic Area Act and Management Plan.

2. The Gorge Commission shall design its monitoring and evaluation program to accomplish the following purposes:

   A. Determine whether the Management Plan is protecting the scenic, cultural, natural, and recreation resources of the National Scenic Area.

   B. Determine whether the Management Plan supports and protects the economy of the National Scenic Area.

   C. Determine whether the counties and other implementing entities are properly implementing the Management Plan.

   D. Evaluate the Management Plan for possible revisions when the Gorge Commission and Forest Service review the Management Plan as required by the National Scenic Area Act.

   E. Determine whether the enhancement measures and programs in the Management Plan have in fact enhanced the scenic, cultural, natural, and recreation resources of the National Scenic Area.

   F. Ensure compliance with orders issued by the Gorge Commission in development reviews, enforcement proceedings, and other matters.

3. As part of its monitoring and evaluation program, the Gorge Commission shall evaluate county development review decisions. In consultation with the counties, the Gorge Commission shall develop a method to record and evaluate the decisions. The Gorge Commission shall first discuss the results of its evaluation with each county.

4. The Gorge Commission shall monitor land use appeals in which the appellant asserts a regulatory taking claim based upon a requirement in the Management Plan. The Gorge Commission shall extend appropriate assistance to the county in such taking claims consistent with the Gorge Commission's appellate

responsibility in section 15(a)(2) of the National Scenic Area Act.

5. The Executive Director of the Gorge Commission or her designee may appeal a county land use decision or participate in an appeal of a county land use decision filed by another party. In such an appeal, the Executive Director does not represent the position of the Gorge Commission and the Gorge Commission shall not direct the Executive Director's handling of the appeal. The county's final decision may be appealed to the Gorge Commission at the conclusion of the county's appeal process.

6. In cooperation with the Forest Service, the Gorge Commission shall keep current and work to improve the resource inventories and data that form the basis of the Management Plan.

7. The Gorge Commission shall work with Gorge counties and the states of Washington and Oregon to identify and reconcile differences in direction to county governments from the National Scenic Area authorities and state statutes and regulations.

## CIVIL PENALTIES

In section 15(a)(3) of the National Scenic Area Act, Congress authorized the Gorge Commission to assess civil penalties to persons and entities who willfully violate the Management Plan, a county ordinance, or any Gorge Commission order or implementation measure.

### ***Policies***

1. The Gorge Commission shall adopt rules to implement the requirements of the National Scenic Area Act related to enforcement procedure.

2. The Gorge Commission's enforcement rules shall specify factors for determining an appropriate civil penalty, including whether the alleged violator has had past violations, whether the alleged violator has voluntarily undertaken measures to remedy the violation or mitigate harm of the violation, the nature and severity of the violation, and whether the alleged violation is continuous.

## APPEALS TO THE GORGE COMMISSION

In section 15(a)(2) of the National Scenic Area Act, Congress authorized persons and entities to appeal decisions relating to the implementation of the National Scenic Area Act to the Gorge Commission.

### ***Policies***

1. Section15(a)(2) of the National Scenic Area Act is a mandatory duty of the

Gorge Commission. The Gorge Commission shall decide all appeals in which the Gorge Commission has jurisdiction. The Gorge Commission shall adopt rules to implement the appeals provisions in the National Scenic Area Act.

2. The Gorge Commission shall hear appeals of final enforcement actions relating to implementation of the Management Plan.

3. The Gorge Commission shall hear appeals of final decisions of a city that relates to the implementation of the National Scenic Area Act through any formal or informal arrangement in which a city implements a county's National Scenic Area land use ordinance within the city's jurisdiction.

## REVISION OF URBAN AREA BOUNDARIES

Congress designated 13 cities and communities as "urban areas": Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington. Urban areas are exempt from regulation under the Management Plan. The National Scenic Area Act authorizes the Gorge Commission to make minor revisions to the boundaries of any urban area, subject to the criteria and procedural requirements in section 4(f) of the Act. In doing so, the Act enables the Gorge Commission to protect and enhance for the scenic, natural, cultural, and recreation resources; agricultural land, forest land, and open space of the Columbia River Gorge, while supporting and serving the needs of the thirteen urban areas. The following policies describe principles for how the Gorge Commission interprets and will apply the criteria in section 4(f) of the Act.

### ***Policies***

1. Revisions to urban area boundaries are made at the Gorge Commission's discretion based on its continuing review of whether the two purposes of the Act are being fulfilled, the schedule of its work and the availability of resources needed.

2. The legal descriptions in Gorge Commission Rule 350-10 are the urban area boundaries and acreage calculations that counties must use in applications to revise urban area boundaries.

3. The Gorge Commission can only approve applications to revise a boundary of an urban area that is adjacent to the General Management Area. Revisions to a boundary between an urban area and a Special Management Area requires Forest Service coordination, consultation and approval under section 4(c) of the Act in addition to Gorge Commission approval under section 4(f)(2)(A)–(D).

4. Counties shall inform the Gorge Commission of their intent to seek an urban

area boundary revision in time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.

5. If the Gorge Commission does not receive sufficient funding from a state to fully pay for its costs to review an urban area revision application, the Commission may proceed to review the application if the county agrees to pay any costs incurred by the Gorge Commission in its review that are not paid by the state. Whether provided by the state or county, the Gorge Commission shall only review the application if all of its review costs, including the reasonable costs of hiring a qualified, independent expert to review the projections, trends, land availability, and other data contained in the application, will be paid or reimbursed by the county, state, or both.

6. The Gorge Commission will only consider applications to revise urban area boundaries in coordination with a similar request being applied for with the respective state land use authority.

7. The Gorge Commission will consult with Oregon's Department of Land Conservation and Development and Washington's Department of Commerce Growth Management Services to determine an appropriate process to meet the Gorge Commission's standards as well as state standards.

8. The Gorge Commission will determine whether a proposed urban area boundary revision is minor pursuant to section 4(f) of the National Scenic Area Act on a case-by-case basis and as provided in subsections (A) and (B) below.

    A. A revision to an urban area boundary is minor if:

        i. the revision involves no net change in the total area of the urban area, or

        ii. if the revision is cumulatively 20 acres or 1% of the total area of the urban area, whichever is less, or

    B. An urban area boundary revision that cumulatively, over time, expands the size of an urban area by more than 50 acres or 2%, whichever is less, is not minor.

9. Land formerly in an urban area that is transferred into the General Management Area shall not contain development or urban facilities that is inconsistent with the purposes and standards in sections 3 and 6 of the Act.

10. Compliance with section 4(f)(2)(A), demonstrating need for long-range

population growth requirements or economic needs consistent with the Management Plan within an urban area, will be determined on a case-by-case basis and as provided in subsections A through E below.

A. Oregon's and Washington's processes for determining need require similar analyses of residential and economic land need based on population growth and employment forecasts, identification of development opportunities and constraints, and provisions to evaluate need for public lands to support residential and economic uses. For all urban areas, in both Oregon and Washington, the Gorge Commission will generally follow the processes and ranges specified in Oregon Administrative Rule 660-038. By rule, the Gorge Commission may revise specific Oregon factors and add specific National Scenic Area factors.

B. As part of the annual workflow of the Gorge Commission staff, investigate how the Gorge Commission can support regional economic development with regional partners. The Gorge Commission shall participate in regional partnerships that encourage regional planning efforts in urban areas to assist in minimizing requests for urban area Boundary revisions. Urban areas that adjoin or are near to one of the three Columbia River bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other urban areas that adjoin or are near to that bridge and other nearby urban areas.

C. For all applications, the analysis used and the Gorge Commission's review must incorporate the proposed service and labor market areas.

D. When addressing demonstrated need for long-term population growth, the Gorge Commission shall consider the relevant benefits and burdens of the proposed revision to low- and moderate-income communities, members of historically marginalized communities, and people with disabilities.

E. As part of its consideration of the impacts of the proposed revisions on the scenic, natural, cultural, and recreation resources of the Gorge, the Gorge Commission shall consider the consequences of climate change adaptation and generation of greenhouse gases.

11. In deciding whether or not to approve an adjustment to the urban area boundary, the Gorge Commission shall consider whether (a) the implementing measures by the local government that will govern the expanded urban area; and (b) the Gorge Commission's conditions of approval, as agreed to by the governing local government, are sufficient to guarantee that the expansion area will be used to satisfy the demonstrable need under 16 USC Section 544.b.(f)(2) which was the basis for the application. If they are not sufficient, the Gorge Commission shall deny the

application as failing to meet the requirements of Section 544.b.(f)(2).

12. Compliance with section 4(f)(2)(B), consistency with the relevant standards in the Act used to develop the Management Plan and the purposes of the Act, will be determined on a case-by-case basis. By rule, the Gorge Commission may specify requirements to comply with section 4(f)(2)(B).

13. Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing urban areas, will be determined on a case-by-case basis. The Gorge Commission may require a local government to adopt enforceable conditions of approval to ensure land added to an urban area satisfies section 4(f)(2)(C). By rule, the Gorge Commission may establish factors to evaluate whether proposed revisions to the boundary of an urban area result in the maximum efficiency of land uses.

14. To achieve compliance with section 4(f)(2)(D), applications to revise the boundaries of an urban area shall prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and open space. By rule, the Gorge Commission may establish a priority of lands to be considered for revising into urban areas.

## REVISION OF NATIONAL SCENIC AREA BOUNDARIES

The National Scenic Area Act does not authorize administrative revisions of the exterior boundary of the National Scenic Area. Congressional action is necessary to add land to or remove land from the National Scenic Area.

The Gorge Commission recognizes that circumstances may exist or arise that necessitate a change in the boundaries of the National Scenic Area. The Gorge Commission may consider proposed exterior boundary revisions on a case-by-case basis and forward appropriate recommendations for revising the exterior boundary to Congress.

### ***Policies***

1. Prior to reviewing and considering a proposed revision to the exterior boundary of the National Scenic Area the Gorge Commission shall first consider alternatives to revising the exterior boundary.

2. Persons and entities presenting a proposed revision to the exterior boundary of the National Scenic Area to the Gorge Commission shall concurrently consult with the Forest Service about the proposed revision.

3. A Gorge Commission recommendation about revising an exterior boundary is not a binding or final action of the Gorge Commission and is not subject to judicial review.

## COUNTY ORDINANCES

In sections 7(b) and 8(i) of the National Scenic Area Act, Congress requires the Gorge Commission to review the Gorge counties' land use ordinances implementing the Management Plan for consistency with the Management Plan.

### ***Policies***

1. 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 National 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.

2. A county and a city may enter into an intergovernmental agreement to allow the other to implement a National Scenic Area land use ordinance that applies to National Scenic Area land within city jurisdiction. Counties shall consult with the Gorge Commission and Forest Service before adopting the intergovernmental agreement. The Gorge Commission does not need to approve the intergovernmental agreement.

3. Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan.

4. The Gorge Commission shall encourage the states of Washington and Oregon to make funds available to the counties to assist in the implementation of the National Scenic Area Act and the Management Plan.

5. The Gorge Commission shall seek funds and an interagency agreement with the Forest Service to provide the services of resource professionals, such as biologists and archaeologists, to assist local governments and landowners to carry out the policies and guidelines in the Management Plan.

## PUBLIC INVOLVEMENT

The Gorge Commission believes that timely public involvement is key to the long-range success of the National Scenic Area Act. The Gorge Commission strives to provide for and consider a variety of viewpoints in decision making, encourages an informed public, and commits to consult and coordinate with other governmental jurisdictions, including, but not limited to the Forest Service, the four Columbia River treaty tribes, county

boards, city councils, and other local, state and federal agencies.

## ***GMA Policies***

1. A time for public comment shall be provided at all regular Gorge Commission business meetings.

2. The Gorge Commission shall rotate meetings among suitable meeting spaces throughout the National Scenic Area or nearby communities and may conduct meetings via electronic means, such as videoconferencing to make it convenient for residents of different areas to attend and participate.

3. Notice of Gorge Commission meetings shall be distributed to all interested people and the media, without charge. Notices shall describe, in plain language, the topics the Gorge Commission will discuss and which topics are open for public comment. Notices shall also be provided to county planning offices and public libraries for posting for public review.

4. Informational materials describing Gorge Commission activities and planning decisions shall be developed.

5. A community outreach program shall be conducted. Activities may include maintaining a speakers' bureau, meeting with county advisory committees, and participating in school programs.

6. Advice shall be provided to interested counties in designing and implementing their public involvement activities.

7. Formal public involvement and consultation activities shall be provided at major planning milestones.

   A. Formal public hearings shall be held before the Gorge Commission takes action on county land use ordinances, amends the Management Plan, revises an urban area boundary, approves a county land use ordinance, or reviews and periodically revises the Management Plan. Any interested person shall be able to testify before the Gorge Commission.

   B. Written public comment shall be encouraged, and a comment period shall precede all major planning decisions. Gorge Commission rules should define the required comment period.

   C. Public workshops shall be held to encourage review of and comment on other Gorge Commission decisions. Workshops shall be conveniently scheduled to encourage participation by Gorge residents and other interested people.

8. Periodic meetings of Gorge county planners and planning directors shall be scheduled to encourage ongoing discussion of issues and concerns.

9. Periodic consultation meetings shall be scheduled with the four Columbia River treaty tribes to encourage ongoing discussion of issues and concerns.

10. Periodic consultation meetings shall be scheduled with county governing boards to encourage ongoing discussion of issues and concerns.

11. The Gorge Commission shall consult with the two states about applications for economic development grants and loans, restoration of the Historic Columbia River Highway, and activities of other state agencies in the National Scenic Area.

12. The Gorge Commission shall collaborate with the Forest Service on all projects of mutual interest.

13. Public comment and assistance shall be solicited in designing implementation programs.

# Chapter 2
# Forest Service Role

Implementation of the Management Plan charters federal engagement with an expanded focus beyond traditional Forest Service roles. In addition to administration of the National Forest System (NFS) lands in the National Scenic Area, the Forest Service will be actively involved as a partner and provider of technical support for state and local governments on non-federal lands.

The Forest Service manages approximately 83,000 acres of National Forest System Lands inside the boundary of the National Scenic Area. Additional federal lands will be added as the land acquisition program continues. Management, protection and enhancement of these federal lands is carried out by the Columbia River Gorge National Scenic Area Forest Service administrative unit.

Management responsibilities on NFS lands include the administration of recreation facilities; design of resource protection, management, and enhancement strategies on federal lands; and provision of public information and services to visitors, users, and other interested parties. The Forest Service implements strategies designed to protect and integrate resource management.

Additional opportunities, such as providing technical expertise and leadership in cultural resources, scenic resources, wildlife, habitat enhancement and water resource management, will be incorporated into ongoing administration of the NFS lands in the National Scenic Area. The Forest Service will maintain an active and visible role with the Gorge Commission, the six counties, and others involved in implementing the Management Plan.
The Columbia River Gorge National Scenic Area Forest Service administrative unit will continue to administer the White Salmon and Klickitat Wild and Scenic Rivers, as designated in the National Scenic Area Act and guided by the management plans prepared for these areas.

Revisions and amendments to the Management Plan require review and involvement of the Forest Service. The need for revisions should be tied closely to monitoring conclusions.

Digital databases and geographic information systems (GIS) have been used by the Forest Service and partners to maintain inventory information, analyze data, and generate maps as necessary for the implementation of the Management Plan. The GIS data that the Forest Service maintains will be updated for use by the counties, Gorge Commission, and implementing partners.

Section 16 of the National Scenic Area Act authorized funds for continuing land acquisitions, and provided $32.8 million for economic and recreation development programs. The Forest Service has administered the distribution of the available funds, ensuring that the public interest is served and the purposes of the National Scenic Area Act are fulfilled. These funds provided support for projects such as the Historic Columbia River Highway State Trail, as well as to Skamania Lodge and the Columbia Gorge Discovery Center.

The Columbia River Gorge National

Scenic Area Forest Service administrative unit is supervised by the National Scenic Area Forest Supervisor, who reports to the Regional Forester and who is responsible for local National Scenic Area administration. The administrative office for this unit is headquartered in Hood River, Oregon, to provide local contact and accessibility to public and agency partners in administering the National Scenic Area.

## LAND OWNERSHIP AND ADJUSTMENT

Landownership patterns within the National Scenic Area are a complex pattern comprised of multiple ownerships and governmental jurisdictions including County, State, other Federal, Tribal and private. The Forest Service directly manages approximately 83,000 acres of National Forest System (NFS) lands within the Columbia River Gorge National Scenic Area.

In 1986, the National Scenic Area included within its boundary about 40,000 acres of NFS lands within the Gifford Pinchot and Mt. Hood National Forests. Since that time, the Forest Service has acquired 43,000 acres of NFS land through purchase, donation, exchange or jurisdictional transfer from the USDI Bureau of Land Management, and an additional 1,800 acres of land covered by conservation easements.

The National Scenic Area contains approximately 292,615 acres, of which approximately 115,100 acres fall within the Special Management Areas (SMAs). The majority of land in SMAs isNational Forest System land. The remaining acreage is comprised of a multitude of ownerships including County, State, other Federal, Tribal and private.

The primary purpose of Forest Service land acquisition is to facilitate the protection or enhancement of the resources of the National Scenic Area. Congress gave the Forest Service the authority to acquire land in the Columbia River Gorge National Scenic Area in the designated Special Management Areas and the Dodson/Warrendale Special Purchase Unit. Other land adjustment authorities applicable to the Forest Service allow acquisition of lands and interests within the GMA. Most Forest Service land acquisition within the National Scenic Area occurs within the SMAs.

In some cases, direct Forest Service land ownership provides the best protection or enhancement opportunities for the resources of the National Scenic Area. In other cases, property is best left in non-Federal ownership to achieve the purposes of the Management Plan and Act

Goals of the Forest Service land acquisition program:

- Complement other approaches to achieve the purposes of the Act
- Coordinate with local governments, local communities, other agencies, and partners for cost-effective accomplishment of mutual land adjustment objectives
- Acquire lands or interests from willing sellers
- Retain flexibility to accommodate future needs and enhancement opportunities; and
- Promote efficient and effective management of public and intermingled private lands to achieve the purposes of the NSA Act and the NSA Management Plan.

The following attributes may be used for determining Forest Service land acquisition priorities:

- Lands designated Open Space where significant resources have been identified, or where uses or development may endanger the resources.
- Highly scenic lands that are visible from key viewing areas.
- Sensitive lands such as wetlands, riparian areas, and floodplains.
- Lands supporting threatened or endangered species of fish, wildlife, or plants.
- Lands with cultural resource sites or a high probability of cultural resource sites.
- High-priority public recreation sites.
- Lands that consolidate ownership for increased efficiency in land management.
- The opportunity to reduce the potential for trespass or encroachments
- Roads and trail rights-of-way needed for public access to NFS lands.

Priorities will be determined by the degree to which offered properties meet resource or project needs, the timing of acquisition to meet such need, the availability of funding, the availability of properties for sale by willing sellers and the support from local communities for federal acquisition.

Forest Service land acquisition methods for real property and interests in land (such as right-of-way easements and conservation easements) include purchase, exchange, and donation. Acquisitions from states or political subdivisions may be made only through donations or exchange. The land acquisition program benefits from continued partnership and coordination with land trusts, who play a key role in facilitating Forest Service land acquisition.

## EFFECT ON LOCAL GOVERNMENT FINANCES

The National Scenic Area Act included several provisions for offsetting the potential reduction of local taxes as a result of federal land acquisition. Section 14(b) provides that acquired lands will be included in determining a county's share of timber receipts from National Forest System lands. Also, Section 14(c) provides for payments in lieu of taxes to a county for eight years for certain lands acquired under the authority of the Act.

## REVISION OF SMA BOUNDARIES

Changes in the SMA boundary will be considered only where such changes would help enhance and protect scenic, cultural, recreation, and natural resources. The National Scenic Area Act [Section 4(c)] describes the following procedures for adjustments to SMA boundaries:

The Secretary, in consultation with the Gorge Commission, may make minor revisions in the boundaries of special management areas after publication of notice to that effect in the Federal Register and submission of notice thereof to the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and Interior and Insular Affairs of the United States House of Representatives.

## MONITORING AND ENFORCEMENT

A comprehensive program to monitor implementation of the Management Plan is essential to ensure that the purposes of

the National Scenic Area Act are achieved. Monitoring should emphasize two components:

1. Are the guidelines being met through appropriate implementation of the county ordinances and other requirements?
2. Are the scenic, cultural, recreation, and natural resources being protected and enhanced through application of the management guidelines and implementation of enhancement and action program strategies?

Monitoring of county implementation actions is primarily the responsibility of the Gorge Commission, as required in Section 15 (a)(l) of the National Scenic Area Act. However, in the SMAs, where lands are being used or are in imminent danger of being used in a manner incompatible with the county ordinances, Section 9 gives the Forest Service the authority to acquire such lands without consent of the owner. Therefore, the Forest Service will also monitor actions in the SMAs.

Counties do not have authority to implement all guidelines through county ordinances. In some cases, such as review of forest practices and federal agency development actions, the Forest Service retains jurisdiction to review uses or development and certify consistency with the Management Plan. Where this is the case, the Forest Service will monitor the results of these actions to ensure that required mitigation measures are implemented and the resources are protected.

The Forest Service is a partner to the Gorge Commission in the Vital Signs Indicators (VSI) program, which monitors many indicators across all National Scenic Area resources. Goals for monitoring the resources are described below. A Reviews and monitoring results will help inform future revisions to the Management Plan.

## SCENIC RESOURCES

The Management Plan goals for scenic resources call for protecting the scenic values on both the broad landscape setting level and the individual development level.

Much of the value of the National Scenic Area is expressed in the opportunity to appreciate important vistas. The level of visibility affects the ability to appreciate the beauty of the landscape

In coordination with the Gorge Commission, the Forest Service conducts regular photographic monitoring from established locations within the National Scenic Area. This system of visual monitoring points was established in 1988 and continues to be monitored today. This panoramic photography is be repeated regularly to measure changes in the landscape and identify problem areas.

In 1987 and 1988, black and white and color vertical aerial photographs were taken for the entire National Scenic Area. All or part of the National Scenic Area can be re-photographed on a regular basis or as needed for a specific area.

## CULTURAL RESOURCES AND TREATY RIGHTS

The Management Plan goal is to protect cultural resources from potential adverse effects and protect Tribal treaty rights. Site-specific inventory and analysis, consultation with Indian tribes, and design of mitigation measures are in place to

implement this goal. Law enforcement efforts are also used to reduce or minimize damage, theft and vandalism of cultural resources. Monitoring of known sites informs these actions.

National Scenic Area inventories include identification of known cultural resources and will be expanded to include data on resources located during site inventories and analysis for new developments.

## NATURAL RESOURCES

Natural resources in the Columbia River Gorge are varied and extensive. The Management Plan goal to protect and enhance those resources incorporates inventories and monitoring data from numerous agencies focused across the full range of resource areas. Monitoring and inventory efforts also benefit from the data and expertise of various non-agency organizations. Awareness of trends both within and outside the National Scenic Area will help inform monitoring and study needs.

## OPEN SPACE

Open Space lands are important to protect the scenic, cultural, recreation, and natural resources of the National Scenic Area. Open Space management plans have been developed for all areas designated as Open Space. Open Space management includes monitoring of protection and enhancement projects and other activities undertaken in Open Space, and the effectiveness of guidelines intended to protect Open Space resources.

## FOREST AND AGRICULTURAL LANDS

Forest and agricultural lands are important elements of the economic base of the National Scenic Area and provide a variety of other benefits, including scenic and natural resources. The Forest Service monitors compliance with SMA forest practice guidelines and coordinates with the Gorge Commission to monitor appropriate uses of agricultural and forest lands, including the effectiveness of guidelines protecting agricultural and forest lands from conversion to other uses.

## RECREATION

Recreation is a fast-changing component of the National Scenic Area. Changes in visitation could affect both the quality of the recreation experience and the other resources. The Forest Service and other agencies and organizations conduct regular monitoring to determine annual recreation visitation to the National Scenic Area. Additional monitoring includes effectiveness of the guidelines to protect the recreation resource and other resources, and compliance with Recreation Intensity Class guidelines.

## LAND ACQUISITION

The monitoring report will track land adjustment activities, including the amount of land purchased or acquired through exchange or easements, funds expended for acquisition, and compliance with scenic and conservation easement conditions.

## ECONOMIC DEVELOPMENT

The National Scenic Area Act provides a number of measures to enhance the economy of the National Scenic Area. These measures include protection of agricultural and forest lands; provision of economic development funds; and funding for recreation, interpretation, and conference facilities. The Forest Service will review economic activities undertaken with federal National Scenic Area funding, as reported in each state's annual report

in accordance with Section 11(d) of the National Scenic Area Act.

## NATIONAL FOREST SYSTEM LANDS DIRECTION

Section 8(a) of the National Scenic Area Act provides the following direction for National Forest System lands in the SMAs:

The Secretary shall administer Federal lands within the special management areas in accordance with this Act and other laws, rules and regulations applicable to the National Forest System.

Direction for management of National Forest System lands is provided in this Management Plan and in the *Land and Resource Management Plan* for Mt. Hood National Forest (1990) and *Land and Resource Management Plan* for Gifford Pinchot National Forest (1990), as amended by the Northwest Forest Plan. These National Forest management plans were completed according to the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA) and include alternative analysis and direction for resource management.

Special Management Area water resource buffer widths shall be applied to National Forest System lands in the General Management Area, and forest practices on National Forest System lands in the General Management Area shall comply with the Special Management Area forest practice guidelines. Projects undertaken on National Forest System lands must comply with direction in the Management Plan and the two National Forest management plans, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans shall apply to National Forest System lands.

Section 8(a) also provides that the construction of roads and the management, utilization and harvest of timber on Federal lands within the special management areas also shall be subject to Forest Service scenic resource management guidelines.

According to the Mt. Hood and Gifford Pinchot National Forest management plans, as amended, regulated commercial timber harvesting would not occur on the National Forest System lands within the National Scenic Area. Any vegetation management on NFS lands that would occur shall meet the assigned visual quality objective.

Section 9(a) of the National Scenic Area Act also requires that acquired lands be subject to the National Scenic Area regulations in accordance with this Management Plan.

As provided for in Section 17(f)(l) of the National Scenic Area Act, Forest Service actions taken for the development, revision and amendments of this Management Plan and land acquisition are exempt from the National Environmental Policy Act (NEPA). However, other Forest Service implementing actions must comply with all laws and regulations applicable to National Forest System lands, including NEPA.

CHAPTER

# 3

# Indian Treaty Rights and Consultation

## TREATY RIGHTS AND CONSULTATION IN THE GMA

The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama Nation signed treaties with the United Stated in 1855. These treaties ceded to the United States legal title to millions of acres of land. They also reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. These legally protected rights belong to each Indian tribe and are regulated and enforced by their respective tribal governments. The tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

The language and legislative history of the National Scenic Area Act make it clear that Congress intended to protect the treaty-reserved rights and sovereign powers of the Indian tribes. Section 17(a)(1) of the National Scenic Area Act states that nothing in the Act shall "affect or modify any treaty or other rights of any Indian tribe." Tribal governments were also ensured a role in the management processes established under the National Scenic Area Act. Section 6(e) states that the U.S. Secretary of Agriculture and the Gorge Commission must "exercise their responsibilities . . . in consultation with . . . Indian tribes." Additional language regarding tribal rights and roles appears in Sections 6(a)(3)(C), 8(d)(3), 9(b)(2)(D), 13(b), 17(a)(2), 17(a)(3), 17(a)(4), 17(a)(7), and 17(a)(8).

Indian treaty rights must be observed by the Gorge Commission as well as local and state governments, federal agencies, and private citizens.

Indian treaties provide that:

> The exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens is also secured to them. [Treaty with the Cayuse, Walla Walla, and Umatilla Tribes, 1855.]

This excerpt is similar to the language in the treaties signed by the Nez Perce, Warm Springs, and Yakama tribes.

"Usual and accustomed stations" include the Columbia River and its tributaries that support anadromous and resident fish. The courts have generally interpreted

"unclaimed lands" to mean all public lands.

## ***GMA Goal***

Ensure that implementation of the National Scenic Area Act does not affect or modify any treaty or other rights of any Indian tribe.

## ***GMA Policies***

1. Local governments shall notify the governments of the four Columbia River treaty tribes when new review uses are proposed on lands within the National Scenic Area.

2. Tribal governments shall have an opportunity to review, comment, and consult on new review uses that are proposed on lands, or in waters, where the tribe determines that treaty or other rights exist.

3. Counties and project applicants shall consult with tribal governments that request consultation about proposed uses that may affect or modify treaty or other rights.

4. Proposed development and uses that would affect or modify treaty or other rights of any Indian tribe shall be prohibited.

## ***GMA Guidelines***

### **Tribal Government Notice and Comment Period**

1. Local governments shall send a notice to the governments of the four Columbia River treaty tribes for all new review uses, requesting comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather.

2. Notices sent to the tribal governments shall include a site plan and also may include supplemental information and a proposed treaty rights protection plan.

3. Proposed new review uses and development located in, providing recreation river access to, or on parcels that adjoin the Columbia River or its fish-bearing tributaries shall include the following supplemental information:

   A. The site plan map shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.

   B. A description of the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.

C. Proposed treaty rights protection measures that will be used to avoid effects to Indian treaty or other rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.

4. At the same time that the county sends notice, the county shall offer to meet with or consult with the tribal government prior to making a decision on the proposed development. Offers to meet or consult with a tribal government shall include phone calls and electronic communication to tribal government chairs, chief administrative officers, and natural and cultural resource staff. The county shall make more than one attempt to contact a tribal government.

5. Tribal governments shall have 30 calendar days from the date a notice is mailed to request that the county consult with the tribal government regarding potential effects or modifications to treaty or other rights of the tribe. All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be summarized by the county, subject to the following confidentiality standards:

   A. The county shall keep confidential and may not disclose to any person or party who is not the applicant, the applicant's representative or the necessary county planning staff and decision makers the tribal government's comments, recommendations, and concerns, and notes of the consultation and other information related to protection of treaty rights, unless the tribal government expressly authorizes disclosure.

   B. The confidential information shall be submitted to the Gorge Commission for review in the event of an appeal, and shall remain confidential and not subject to disclosure to any person or party other than the applicant, the applicant's representative, the appellant, the appellants representative or the necessary Gorge Commission staff and Gorge Commission members unless the tribal government expressly authorizes disclosure.

6. Any time periods specified in a county ordinance to review an application shall stop when a tribal government requests consultation and shall not start again until the county meets with all tribal governments that requested consultation and the county receives all additional information and actions from the project applicant necessary to avoid effects to treaty rights to the satisfaction of the tribal governments that requested consultation.

7. A tribal government's choice to consult with the county shall, in no way, be interpreted as a waiver of the tribe's sovereign immunity or waiver of any claim that the proposed use affects or modifies a treaty right or other tribal rights.

8. All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be resolved by the county or project applicant through revisions to the project application, conditions of approval, and, if necessary in a treaty rights protection plan. The protection plan shall include

measures to avoid effects or modifications to treaty and other rights of any Indian tribe.

**Conclusion of the Treaty Rights Protection Process**

1. The final decision shall integrate findings of fact that address the county's effort to meet with or consult with the tribal governments and any revisions and treaty rights protection plan resolving the tribal governments' comments, recommendations, or concerns.

2. The treaty rights protection process may conclude if the local government determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

3. A finding by the local government that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses affect or modify treaty or other tribal rights.

# TREATY RIGHTS AND CONSULTATION IN THE SMA

The Forest Service is responsible for consulting with tribal governments at the government-to-government level. The purpose of this process is to ensure that management activities will not affect treaty rights, and to provide meaningful participation in the identification, evaluation, and protection of cultural resources.

Section 17 (Savings Provisions) of the National Scenic Area Act contains several provisions regarding the need to avoid potential effects on treaty rights. Treaty rights are defined by the treaties of 1855 between Congress and tribal governments. These rights are not subject to negotiation. Potential effects to treaty rights must be avoided. The Forest Service has no authority to interpret or negotiate in the area of treaty rights.

Cultural resources are protected by the National Scenic Area Act and the Historic Preservation Act of 1966. Tribal governments are identified as parties to be consulted during the inventory, evaluation, and protection of cultural resources.

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## ***SMA Goals***

1. Protect treaty and other rights of the tribal governments.

2. Provide for a consultation process with tribal governments.

## ***SMA Policies***

1. The Forest Service shall consult with the tribal governments to determine the effect of all federal actions reviewed by the Forest Service on treaty rights. Reviewing agencies shall use the procedures defined by the Gorge Commission for the GMA for all non-federal actions.

2. The Forest Service shall establish a government-to-government consultation process between each tribal government and the Forest Service, in accordance with the following:

   A. The National Scenic Area Manager shall be the agency official for the Forest Service who is responsible for making decisions regarding treaty rights issues and potential effects on cultural resources.

   B. The tribal governments shall be the recognized entities for the purpose of authorizing decisions regarding treaty rights issues or potential effects to cultural resources.

C. The National Scenic Area Manager shall designate the Forest Service representative for the purpose of maintaining a continuing working relationship with the tribal governments.

D. The tribal government should designate representatives for the purpose of maintaining a continuing working relationship with the Forest Service.

3. A continuing working relationship between the Forest Service and the tribal governments shall be established.

A. The Forest Service shall enter into Memoranda of Understanding with each of the tribal governments for the purpose of outlining consultation agreements, as provided for in Part I, Chapter 2: Cultural Resources.

B. The Memoranda of Understanding should identify key staff at each tribal government to work with the Forest Service designee.

C. The Memoranda of Understanding should establish procedures by which the Forest Service will consult with tribal governments for proposed development or changes in use.

D. The Memoranda of Understanding should establish the process by which the Forest Service will consult with tribal governments for all proposed development or changes in use that may have the potential to affect treaty rights or other uses.

E. The Memoranda of Understanding should establish the government-to-government process by which tribal governments and the Forest Service meet individually to identify potential treaty rights issues for potential development or changes in use.

F. The Memoranda of Understanding should establish a mutually agreeable process by which meetings and decisions between the tribal governments and the Forest Service are documented.

4 Lands held in trust by the Secretary of Interior for Indian tribes or individual members of Indian tribes shall not be affected by any provisions of the Management Plan.

5. Lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of Interior for the benefit of Indian tribes and individual members of Indian tribes under Public Law 79-14 and Public Law 100-581 (in-lieu or treaty fishing access sites), including those yet to be selected by the U.S. Army Corps of Engineers within the Bonneville Pool under the provisions of Public Law 100-581, Section 401(b)(1), shall not be affected by the SMA Management Plan for the National Scenic Area.

6. New uses and development shall not affect or modify any treaty or other rights of the tribal governments.

7. Any revisions or amendments to the Management Plan shall require consultation with the tribal governments.

8. New development or land use shall protect access to usual and accustomed tribal or Indian fishing sites or stations protected under treaty rights, and as established by court interpretations of those treaties.

9. Tribal governments shall be invited to participate in the planning of public recreation development that could affect treaty rights.

10. Federal land management agencies shall not deny tribal governments, or individual members of Indian tribes, access to any area on federal or state land that is traditionally used in connection with tribal treaty or ceremonial rights or for traditional uses.

# Appendix

this title, the Secretary shall, in consultation with appropriate Indian tribes, define the past cultural and religious uses of the Scenic Area by Indians.

(Pub. L. 98–425, title III, § 307, Sept. 28, 1984, 98 Stat. 1638.)

REFERENCES IN TEXT

The American Indian Religious Freedom Act, referred to in text, is Pub. L. 95–341, Aug. 11, 1978, 92 Stat. 469, as amended, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

### § 543g. Authorization of appropriations

In addition to other amounts available for such purposes, effective October 1, 1985, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 543 to 543h of this title.

(Pub. L. 98–425, title III, § 308, Sept. 28, 1984, 98 Stat. 1638.)

### § 543h. New spending authority

Any new spending authority described in subsection (c)(2)(A) or (B) of section 651[1] of title 2 which is provided under sections 543 to 543h of this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 98–425, title III, § 309, Sept. 28, 1984, 98 Stat. 1638.)

REFERENCES IN TEXT

Section 651 of title 2, referred to in text, was amended by Pub. L. 105–33, title X, § 10116(a)(3), (5), Aug. 5, 1997, 111 Stat. 691, by striking out subsec. (c) and redesignating former subsec. (d) as (c).

### § 544. Columbia River Gorge National Scenic Area; definitions

As used in sections 544 to 544p of this title, the term—

(a) ''adversely affect'' or ''adversely affecting'' means, except as used in section 544m of this title, a reasonable likelihood of more than moderate adverse consequences for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on—

(1) the context of a proposed action;

(2) the intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;

(3) the relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and

(4) proven mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant affects to an insignificant level;

(b) ''agricultural lands'' means lands designated as agricultural lands pursuant to section 544d of this title;

(c) ''Commission'' means the Columbia River Gorge Commission established pursuant to section 544c of this title;

(d) ''counties'' means Hood River, Multnomah, and Wasco Counties, Oregon; and Clark, Klickitat, and Skamania Counties, Washington;

(e) ''Dodson/Warrendale Special Purchase Unit'' means the Dodson/Warrendale Special Purchase Unit established pursuant to section 544b of this title;

(f) ''forest lands'' means lands designated as forest lands pursuant to section 544d of this title;

(g) ''Indian tribes'' means the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation;

(h) ''interim guidelines'' means any interim guidelines developed by the Secretary pursuant to section 544h of this title, and any amendment, revision, or variance;

(i) ''land use ordinance'' or ''ordinance'' means any ordinance adopted by a county or by the Commission pursuant to sections 544 to 544p of this title, and includes any amendment to, revision of, or variance from such ordinance;

(j) ''major development actions'' means any of the following:

(1) subdivisions, partitions and short plat proposals;

(2) any permit for siting or construction outside urban areas of multifamily residential, industrial or commercial facilities, except such facilities as are included in the recreation assessment;

(3) the exploration, development and production of mineral resources unless such exploration, development or production can be conducted without disturbing the surface of any land within the boundaries of a special management area or is for sand, gravel and crushed rock used for the construction, maintenance or reconstruction of roads within the special management areas used for the production of forest products; and

(4) permits for siting or construction within a special management area of any residence or other related major structure on any parcel of land less than forty acres in size;

(k) ''management plan'' means the scenic area management plan adopted pursuant to section 544d of this title;

(*l*) ''open spaces'' means unimproved lands not designated as agricultural lands or forest lands pursuant to section 544d of this title and designated as open space pursuant to section 544d of this title. Open spaces include—

(1) scenic, cultural, and historic areas;

(2) fish and wildlife habitat;

(3) 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;

(4) ecologically and scientifically significant natural areas;

[1] See References in Text note below.

(5) outstanding scenic views and sites;

(6) water areas and wetlands;

(7) archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;

(8) potential and existing recreation resources; and

(9) Federal and State wild, scenic, and recreation waterways;

(m) ''recreation assessment'' means the recreation assessment adopted pursuant to section 544d of this title;

(n) ''residential development'' means the permitting for siting or construction of any residence or other related major structure;

(*o*) ''scenic area'' means the Columbia River Gorge National Scenic Area established pursuant to section 544b of this title;

(p) ''Secretary'' means the Secretary of Agriculture;

(q) ''special management areas'' means areas within the scenic area established pursuant to section 544b of this title;

(r) ''States'' means the States of Oregon and Washington; and

(s) ''urban areas'' means those areas within the scenic area identified as urban areas on the map referred to in section 544b(e) of this title or within the boundaries of an urban area as revised pursuant to section 544b(f) of this title.

(Pub. L. 99–663, § 2, Nov. 17, 1986, 100 Stat. 4274; Pub. L. 103–435, § 17(b), Nov. 2, 1994, 108 Stat. 4573.)

REFERENCES IN TEXT

Federal Endangered Species Acts, referred to in subsec. (*l*)(3), are classified principally to chapter 35 (§ 1531 et seq.) of this title.

AMENDMENTS

1994—Subsec. (g). Pub. L. 103–435 substituted ''Yakama Indian Nation'' for ''Yakima Indian Nation''.

SHORT TITLE

Pub. L. 99–663, § 1, Nov. 17, 1986, 100 Stat. 4274, provided that: ''This Act [enacting this section and sections 544a to 544p of this title and amending sections 1274 and 1276 of this title] may be referred to as the 'Columbia River Gorge National Scenic Area Act'.''

## § 544a. Purposes

The purposes of sections 544 to 544p of this title are—

(1) to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

(Pub. L. 99–663, § 3, Nov. 17, 1986, 100 Stat. 4276.)

## § 544b. Establishment of scenic area

### (a) National scenic area

(1) There is hereby established the Columbia River Gorge National Scenic Area.

(2) BOUNDARIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the boundaries of the scenic area shall be generally depicted on the map entitled ''Boundary Map, Columbia River Gorge National Scenic Area,'' numbered NSA–001 sheets 1 and 2, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service.

(B) EXCLUSIONS.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete[1] Meridian, Clark County, Washington, that consists of—

(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98–396); and

(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i).

### (b) Special management areas

(1) The following areas within the boundaries of the scenic area are hereby designated ''Special Management Areas'': Gates of the Columbia River Gorge; Wind Mountain; Burdoin Mountain; and Rowena.

(2) The boundaries of the special management areas designated by paragraph (1)—

(A) shall be generally depicted on the map entitled ''Special Management Areas, Columbia River Gorge National Scenic Area'', numbered SMA–002 sheets 1 through 17, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service; and

(B) shall include all islands within the boundaries of the scenic area.

(3) MODIFICATION OF BOUNDARIES.—The boundaries of the special management areas are modified as depicted on a map dated September 20, 2000, which shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia, and copies shall be available in the office of the Commission, and the headquarters of the scenic area.

### (c) Revision of special management area boundaries

The Secretary, in consultation with the Commission, may make minor revisions in the boundaries of special management areas after publication of notice to that effect in the Federal Register and submission of notice thereof to the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and Natural Resources of the United States House of Representatives. Such notice shall be published and submitted at least sixty days before the revision is made. Notice of final action regarding such revision shall also be published in the Federal Register.

[1] So in original. Probably should be ''Willamette''.

**(d) Dodson/Warrendale Special Purchase Unit**

(1) There is hereby established the Dodson/Warrendale Special Purchase Unit.

(2) The boundaries of the Dodson/Warrendale Special Purchase Unit shall be generally depicted on the map entitled ''Dodson/Warrendale Special Purchase Unit, Columbia River Gorge National Scenic Area'', numbered SPU–003 sheet 1, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service.

**(e) Urban areas**

(1) The following cities and towns are hereby designated as ''Urban Areas'': Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington.

(2) The boundaries of urban areas shall be generally depicted on the map entitled, ''Urban Areas, Columbia River Gorge National Scenic Area'', numbered UA–004 sheets 1 through 11, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service. The boundaries of urban areas designated in this subsection may be revised pursuant to the provisions of this section.

**(f) Revision of urban area boundaries**

(1) Upon application of a county and in consultation with the Secretary, the Commission may make minor revisions to the boundaries of any urban area identified in subsection (e) of this section. A majority vote of two-thirds of the members of the Commission, including a majority of the members appointed from each State, shall be required to approve any revision of urban area boundaries.

(2) The Commission may revise the boundaries of an urban area only if it finds that—

(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.

(Pub. L. 99–663, § 4, Nov. 17, 1986, 100 Stat. 4276; Pub. L. 103–437, § 6(d)(34), Nov. 2, 1994, 108 Stat. 4585; Pub. L. 105–277, div. A, § 101(e) [title III, § 354(a)], Oct. 21, 1998, 112 Stat. 2681–231, 2681–303; Pub. L. 106–31, title V, § 5004(3), May 21, 1999, 113 Stat. 110; Pub. L. 106–291, title III, § 346(d), Oct. 11, 2000, 114 Stat. 1000.)

REFERENCES IN TEXT

The Second Supplemental Appropriations Act, 1984, referred to in subsec. (a)(2)(B)(i), is Pub. L. 98–396, Aug. 22, 1984, 98 Stat. 1369. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2000—Subsec. (b)(2). Pub. L. 106–291, § 346(d)(1), substituted ''by paragraph (1)'' for ''in this section'' in introductory provisions.

Subsec. (b)(3). Pub. L. 106–291, § 346(d)(2), which directed amendment of subsec. (b)(2) by adding at the end a par. (3), was executed by adding par. (3) after subsec. (b)(2), to reflect the probable intent of Congress.

1999—Subsec. (a)(2). Pub. L. 106–31 made technical correction to directory language of Pub. L. 105–277. See 1998 Amendment note below.

1998—Subsec. (a)(2). Pub. L. 105–277, as amended by Pub. L. 106–31, inserted par. (2) heading, designated existing provisions as subpar. (A), inserted heading, and substituted ''Except as provided in subparagraph (B), the boundaries'' for ''The boundaries'', and added subpar. (B).

1994—Subsec. (c). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' after ''Committees on Agriculture and''.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–31, title V, § 5004(4), May 21, 1999, 113 Stat. 110, provided that: ''The amendments made by paragraphs (1), (2), and (3) of this section [amending this section and section 1374 of this title], shall take effect as if included in Public Law 105–277 on the date of its enactment [Oct. 21, 1998].''

CONGRESSIONAL INTENT OF 1998 AMENDMENT

Pub. L. 105–277, div. A, § 101(e) [title III, § 354(b)], Oct. 21, 1998, 112 Stat. 2681–231, 2681–303, provided that: ''The amendment made by subsection (a) [amending this section]—

''(1) is intended to achieve the intent of Congress set forth in Public Law 98–396 [see Tables for classification]; and

''(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act [see Short Title note set out under section 544 of this title].''

## § 544c. Columbia River Gorge Commission

**(a) Establishment and membership of Commission**

(1) To achieve the purposes of sections 544 to 544p of this title and to facilitate cooperation among the States of Oregon and Washington, and with the United States of America, the consent of Congress is given for an agreement described in sections 544 to 544p of this title pursuant to which, within one year after November 17, 1986—

(A) the States of Oregon and Washington shall establish by way of an interstate agreement a regional agency known as the Columbia River Gorge Commission, and shall incorporate sections 544 to 544p of this title by specific reference in such agreement. The Commission shall carry out its functions and responsibilities in accordance with the provisions of the interstate agreement and of sections 544 to 544p of this title and shall not be considered an agency or instrumentality of the United States for the purpose of any Federal law;

(B) the States of Oregon and Washington shall provide to the Commission, State agencies, and the counties under State law the authority to carry out their respective functions and responsibilities in accordance with the provisions of paragraph (1)(A) of this subsection; and

(C) the States of Oregon and Washington shall appoint members of the Commission as provided in clauses (i) through (iii), subject to applicable State law: *Provided*, That the Governor of either State may extend the time for appointment of Commission members ninety days to provide more time for the States and counties to make such appointments. Membership of the Commission shall be as follows:

(i) six members, comprised of one resident from each of the following counties: Hood River, Multnomah, and Wasco Counties, Oregon, and Clark, Klickitat, and Skamania Counties, Washington, to be appointed by the governing body of each of the respective counties: *Provided*, That in the event the governing body of a county fails to make such appointment, the Governor of the State in which the county is located shall appoint such member;

(ii) three members who reside in the State of Oregon, at least one of whom shall be a resident of the scenic area, to be appointed by the Governor of Oregon;

(iii) three members who reside in the State of Washington, at least one of whom shall be a resident of the scenic area, to be appointed by the Governor of Washington; and

(iv) one ex officio, nonvoting member who shall be an employee of the Forest Service, to be appointed by the Secretary.

(2) The agreement shall take effect and the Commission may exercise its authorities pursuant to the agreement upon the appointment of four initial members from each State, subject to applicable State law, and the date of such an agreement shall be the date of establishment of the Commission. Such agreement is hereby consented to by the Congress.

(3) Either State or any county may fill any vacancy occurring prior to the expiration of the term of any member originally appointed by that State or county. Each member appointed to the Commission shall serve a term of four years, except that, with respect to members initially appointed pursuant to paragraph (1)(C)(i), each Governor shall designate one member to serve for a term of five years and one to serve for a term of six years, and one member from each State initially appointed pursuant to paragraph (1)(C)(ii) and (iii) shall be designated by the Governor to serve a term of five years, and one to serve a term of six years. Neither the Governors nor the governing bodies of any of the counties may appoint Federal, State, or local elected or appointed officials to the Commission.

(4) A majority of the members of the Commission shall constitute a quorum. The members of the Commission shall select from among themselves a Chairman by majority vote of the members appointed from each State.

(5) Except for the ex-officio member appointed pursuant to paragraph (1)(C)(iv), the members and officers and employees of the Commission shall not be officers or employees of the United States for any purpose. The Commission shall appoint, fix compensation for, and assign and delegate duties to such officers and employees as the Commission deems necessary to fulfill its functions under sections 544 to 544p of this title. The compensation of Commission members shall be fixed by State law. The compensation of Commission members, officers, and employees and the expenses of the Commission shall be paid from funds provided to the Commission by the States.

**(b) Applicable law**

For the purposes of providing a uniform system of laws, which, in addition to sections 544 to 544p of this title, are applicable to the Commission, the Commission shall adopt regulations relating to administrative procedure, the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the Commission, advisory committees, and disclosure of information consistent with the more restrictive statutory provisions of either State. Regulations applicable to financial disclosure under this subsection shall be applied to members of the Commission without regard to the duration of their service on the Commission or the amount of compensation received for such service. No contract, obligation, or other action of the Commission shall be an obligation of the United States or an obligation secured by the full faith and credit of the United States.

**(c) Assistance to Commission**

Upon the request of the Commission, the Secretary and other Federal agencies are authorized to provide information, personnel, property, and services on a reimbursable basis, and the Secretary is authorized to provide technical assistance on a nonreimbursable basis, to the Commission to assist it in carrying out its functions and responsibilities pursuant to sections 544 to 544p of this title.

**(d) Advisory committees**

The Commission shall establish voluntary technical and citizen advisory committees to assist the Commission in carrying out its functions and responsibilities pursuant to sections 544 to 544p of this title.

(Pub. L. 99–663, § 5, Nov. 17, 1986, 100 Stat. 4277.)

### § 544d. Scenic area management plan

**(a) Studies**

Within one year after the date the Commission is established, it shall, in cooperation with the Secretary, complete the following studies for use in preparing the management plan:

**(1) Resource inventory**

The Commission shall complete a resource inventory. The resource inventory shall—

(A) document all existing land uses, natural features and limitations, scenic, natural, cultural, archaeological and recreation and economic resources and activities: *Provided*, That the location of any Indian burial grounds, village sites, and other areas of archaeological or religious significance shall not be made public information and such information shall be used for administrative purposes only; and

(B) incorporate without change the resource inventory developed by the Secretary pursuant to section 544f of this title for the special management areas.

**(2) Economic opportunity study**

The Commission shall complete a study to identify opportunities to enhance the econo-

mies of communities in the scenic area in a manner consistent with the purposes of sections 544 to 544p of this title.

**(3) Recreation assessment**

The Commission shall complete an assessment of recreation resources and opportunities for enhancement of these resources. The recreation assessment shall—

(A) designate the location and specify the construction of an interpretive center or other appropriate facility, to be located in the State of Oregon, and of a conference center or other appropriate facility, to be located in the State of Washington;

(B) identify areas within the scenic area that are suitable for other public use facilities, including but not limited to educational and interpretive facilities, campsites, picnic areas, boat launch facilities and river access areas; and

(C) subject to the treaty and other rights of Indian tribes, designate areas to provide increased access for recreation purposes to the Columbia River and its tributaries; and

(D) incorporate without change the recreation assessment developed by the Secretary pursuant to section 544f of this title for the special management areas;

**(b) Land use designations**

Within two years after the Commission is established, it shall develop land use designations for the use of non-Federal lands within the scenic area. The land use designations shall—

(1) be based on the results of the resource inventory developed pursuant to subsection (a)(1) of this section, and consistent with the standards established in subsection (d) of this section;

(2) designate those lands used or suitable for the production of crops, fruits or other agricultural products or the sustenance of livestock as agricultural lands;

(3) designate lands used or suitable for the production of forest products as forest lands;

(4) designate lands suitable for the protection and enhancement of open spaces;

(5) designate areas in the scenic area outside special management areas used or suitable for commercial development: *Provided*, That such designation shall encourage, but not require, commercial development to take place in urban areas and shall take into account the physical characteristics of the areas in question and their geographic proximity to transportation, commercial, and industrial facilities and other amenities;

(6) designate areas used or suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities; and

(7) incorporate without change the designation of urban areas established in section 544b(e) of this title.

**(c) Adoption of management plan**

Within three years after the date the Commission is established, it shall adopt a management plan for the scenic area. The Commission shall adopt the management plan by a majority vote of the members appointed, including at least three members from each State. The management plan shall—

(1) be based on the results of the resource inventory developed pursuant to subsection (a)(1) of this section;

(2) include land use designations developed pursuant to subsection (b) of this section;

(3) be consistent with the standards established in subsection (d) of this section;

(4) incorporate without change the management direction for the use of Federal lands within and the land use designations for the special management areas adopted by the Secretary pursuant to section 544f of this title; and

(5) include guidelines for the adoption of land use ordinances for lands within the scenic area. The guidelines—

(A) shall incorporate without change the guidelines for the development of special management area land use ordinances developed by the Secretary pursuant to section 544f of this title; and

(B) shall not apply to urban areas designated in section 544b(e) of this title.

**(d) Standards for management plan**

The management plan and all land use ordinances and interim guidelines adopted pursuant to sections 544 to 544p of this title shall include provisions to—

(1) protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open space, recreation development or forest lands;

(2) protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest lands to agricultural lands, recreation development or open spaces;

(3) protect and enhance open spaces;

(4) protect and enhance public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the recreation assessment adopted pursuant to subsection (a) of this section;

(5) prohibit major development actions in special management areas, except for partitions or short plats which the Secretary determines are desirable to facilitate land acquisitions pursuant to sections 544 to 544p of this title;

(6) prohibit industrial development in the scenic area outside urban areas;

(7) require that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the scenic area;

(8) require that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area; and

(9) require that the exploration, development and production of mineral resources, and the reclamation of lands thereafter, take place without adversely affecting the scenic, cultural, recreation and natural resources of the scenic area.

**(e) Agency consultation and public involvement**

The Secretary and the Commission shall exercise their responsibilities pursuant to sections

544 to 544p of this title in consultation with Federal, State, and local governments having jurisdiction within the scenic area or expertise pertaining to its administration and with Indian tribes. The Secretary and the Commission shall conduct public hearings and solicit public comment prior to final adoption of the management plan and the Commission shall conduct public hearings and solicit public comment prior to final adoption of land use ordinances. The Commission and the appropriate county shall promptly notify the Secretary, the States, local governments and Indian tribes of all proposed major development actions and residential development in the scenic area.

**(f) Concurrence of management plan**

**(1) Review by Secretary**

Upon adoption of the management plan, the Commission shall promptly submit the plan to the Secretary for review. If the Secretary agrees with the Commission that the management plan is consistent with the standards established in this section and the purposes of sections 544 to 544p of this title, the Secretary shall concur to that effect. Should the Secretary fail to act on the proposed plan within ninety days, the Secretary shall be deemed to have concurred on the management plan.

**(2) Denial of concurrence**

If concurrence is denied, the Secretary shall state the reasons for finding the plan is inconsistent with the standards established in this section or the purposes of sections 544 to 544p of this title, and shall submit to the Commission suggested modifications to the management plan to make it consistent with such standards and the purposes of sections 544 to 544p of this title.

**(3) Commission reconsideration**

Within one hundred and twenty days after receipt of notification of non-concurrence, the Commission shall—

(A) revise and resubmit the plan to the Secretary; or

(B) by a vote of two-thirds of its membership, including a majority of the members appointed from each State, reject the suggested modifications of the Secretary and adopt a management plan consistent with the provisions of this section and the purposes of sections 544 to 544p of this title.

**(g) 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.

**(h) Amendment of plan**

If the Commission determines at any time that conditions within the scenic area have significantly changed, it may amend the management plan. The Commission shall submit amendments to the management plan to the Secretary for review, in accordance with the provisions of this section for adoption of the management plan.

(Pub. L. 99–663, § 6, Nov. 17, 1986, 100 Stat. 4279.)

**§ 544e. Administration of scenic area**

**(a) Management of scenic area**

The non-Federal lands within the scenic area shall be administered by the Commission in accordance with the management plan and sections 544 to 544p of this title.

**(b) Adoption of scenic area land use ordinances**

(1) Within sixty days of initial receipt of the management plan, each county shall submit to the Commission a letter stating that it proposes to adopt a land use ordinance consistent with the management plan. If any county fails to submit such letter or fails to adopt a land use ordinance as provided in this section, the Commission shall carry out the requirements of subsection (c) of this section.

(2) Within two hundred and seventy days of receipt of the management plan, each county shall adopt a land use ordinance consistent with the management plan, and thereafter may adopt an amendment, revision or variance to a land use ordinance at any time. Each county upon adoption of a land use ordinance shall promptly submit the ordinance to the Commission.

(3) APPROVAL BY COMMISSION.—(A) Within ninety days after receipt of a land use ordinance, the Commission, by majority vote including at least three members from each State, shall approve the ordinance unless it determines the ordinance is inconsistent with the management plan. Should the Commission fail to act within ninety days, the ordinance shall be deemed to be approved.

(B) If approval is denied, the Commission shall state the reasons for finding the ordinance is inconsistent with the management plan, and shall submit to the county suggested modifications to the ordinance to make it consistent with the management plan.

(C) Each county shall have ninety days after it receives recommendations from the Commission to make modifications designed to eliminate the inconsistencies and to resubmit the ordinance to the Commission for approval. The Commission shall have sixty days to approve or disapprove the resubmitted ordinance. Any resubmitted ordinance shall become effective upon approval. Should the Commission disapprove the resubmitted ordinance, it shall promptly resubmit the ordinance for reconsideration. Should the Commission fail to act within sixty days, the ordinance shall be deemed to be approved.

**(c) Commission land use ordinances**

(1) Within ninety days after making a determination that a county has failed to comply with the provisions of this section, the Commission shall make and publish a land use ordinance setting standard for the use of non-Federal lands in such county within the boundaries of the national scenic area, excluding urban areas identified in section 544b(e) of this title. The ordinance shall have the object of assuring that the use of such non-Federal lands is consistent with the management plan. The ordi-

nance may differ amongst the several parcels of land within the boundaries of the scenic area. The ordinance may from time to time be amended by the Commission.

(2) SUBSEQUENT COMPLIANCE.—In the event the Commission has promulgated regulations pursuant to this section, a county may thereafter upon written notice to the Commission elect to adopt a land use ordinance, in which event it shall comply with the provisions of this section for adoption of a land use ordinance. Upon approval of a land use ordinance by the Commission it shall supersede any regulations for the county developed by the Commission, subject to valid existing rights.

**(d) Construction of facilities**

The Secretary is hereby authorized to design, construct, operate and maintain such facilities as are included in the recreation assessment.

(Pub. L. 99–663, § 7, Nov. 17, 1986, 100 Stat. 4282.)

## § 544f. Administration of special management areas

**(a) Administration of Federal lands**

(1)[1] The Secretary shall administer Federal lands within the special management areas in accordance with sections 544 to 544p of this title and other laws, rules and regulations applicable to the national forest system. In addition, the construction of roads and the management, utilization and harvest of timber on Federal lands within the special management areas also shall be subject to Forest Service visual resource management guidelines. The Secretary shall utilize lands acquired through exchange in calculating the allowable sales quantity on the Gifford Pinchot and Mount Hood National Forests.

**(b) Withdrawal of Federal lands**

Subject to valid existing rights, all Federal lands located in the special management areas are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws of the United States, and from disposition under all laws pertaining to mineral and geothermal leasing: *Provided*, That the Secretary may allow the exploration, development, or production of sand, gravel, and crushed rock as necessary to construct, maintain, or reconstruct roads in the special management areas.

**(c) Resource inventory**

The Secretary shall complete a resource inventory for the special management areas consistent with the process and substance of the inventory prescribed by section 544d(a)(1) of this title.

**(d) Recreation assessment**

Within two years after November 17, 1986, the Secretary shall complete an assessment of recreation resources in the special management areas and opportunities for enhancement of these resources. The recreation assessment shall—

(1) identify areas within the special management areas suitable for designation by the Commission pursuant to section 544d of this title for the construction of an interpretive center or other appropriate facility, to be located in the State of Oregon, and of a conference center or other appropriate facility, to be located in the State of Washington;

(2) identify areas within the special management areas suitable for other public use facilities, including but not limited to educational and interpretive facilities, campsites, picnic areas, boat launch facilities, and river access areas; and

(3) subject to the treaty or other rights of Indian tribes, identify areas with the special management areas suitable for use to increase access for recreation purposes to the Columbia River and its tributaries.

**(e) Land use designations**

Within three years after November 17, 1986, the Secretary shall develop land use designations for the special management areas. The land use designations shall be—

(1) based on the resource inventory prepared by the Secretary pursuant to this section; and

(2) consistent with the standards established in section 544d of this title.

**(f) Guidelines for land use ordinances**

(1)[1] Within three years after November 17, 1986, the Secretary shall, in consultation with the Commission, develop guidelines to assure that non-Federal lands within the special management areas are managed consistent with the standards in section 544d of this title and the purposes of sections 544 to 544p of this title. The Secretary shall promptly transmit the guidelines to the Commission for inclusion in the management plan. The guidelines shall require that management, utilization, and disposal of timber, and exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest forest products on non-Federal lands within the special management areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area.

**(h)[2] Adoption of special management area land use ordinances**

(1) Within sixty days of receipt of the management plan, each county shall submit to the Commission a letter stating that it proposes to adopt a land use ordinance consistent with the management plan. If any county fails to submit a letter as provided in this subsection, or fails to adopt a land use ordinance as provided in this section, the Commission shall carry out the requirements of subsection (*l*) of this section.

(2) Within two hundred seventy days of receipt of the management plan, each county shall adopt a special management area land use ordinance consistent with the management plan, and thereafter may adopt an amendment, revision or variance to a land use ordinance at any time. Each county upon adoption of a special management area land use ordinance shall promptly submit the adopted ordinance to the Commission.

[1] So in original. No par. (2) has been enacted.

[2] So in original. No subsec. (g) has been enacted.

**(i) Review by Commission**

(1) The Commission shall review the special management area land use ordinance received from each county, and within ninety days after receipt shall make a tentative determination as to whether the ordinance is consistent with the management plan. If the Commission makes a tentative determination that the land use ordinance is consistent with the management plan, the Commission shall send the ordinance to the Secretary for concurrence.

(2) If the Commission makes a tentative determination that the land use ordinance is inconsistent with the management plan, the Commission shall state the reasons for the determination and shall return the ordinance to the appropriate county with suggested modifications required for consistency with the management plan.

(3) Each county shall have ninety days after it is notified by the Commission to make modifications designed to eliminate the inconsistencies and to resubmit the ordinance to the Commission for tentative determination of consistency. The Commission shall have sixty days to make a tentative consistency determination on the resubmitted ordinance. If found consistent, the land use ordinance shall be transmitted by the Commission to the Secretary for concurrence that the ordinance is consistent with the management plan. If the Commission finds the resubmitted ordinance inconsistent, the Commission shall adopt an ordinance pursuant to subsection (*l*) of this section.

**(j) Concurrence by Secretary**

(1) Upon receipt of a special management area land use ordinance from the Commission, the Secretary shall notify the public of such receipt and shall, within ninety days thereafter, concur with the Commission's tentative determination of consistency with the management plan unless the Secretary determines the ordinance is inconsistent. Any ordinance submitted to the Secretary shall become effective upon notification of concurrence. Should the Secretary fail to act within ninety days, the Secretary shall be deemed to have concurred with the Commission's tentative consistency determination.

(2) DENIAL OF CONCURRENCE.—If concurrence is denied, the Secretary shall state the reasons therefor and shall submit to the Commission suggested modifications to the land use ordinances to make them consistent with the management plan and the purposes of sections 544 to 544p of this title.

**(k) Commission reconsideration**

Upon receipt of notification of nonconcurrence by the Secretary, the Commission shall resubmit the land use ordinance to the appropriate county. Such county shall within ninety days, reconsider and revise the ordinance and resubmit the ordinance to the Commission for reconsideration in accordance with the provisions of this section. Should the Secretary again deny concurrence, the Commission shall either prepare a land use ordinance for such county pursuant to subsection (*l*) of this section or, by a two-thirds vote of the membership of the Commission including a majority of the members appointed from each State, determine that the ordinance is consistent with the management plan.

**(*l*) Commission ordinances**

(1) Within ninety days after making a determination that a county has failed to comply with the provisions of subsection (h) of this section, the Commission shall make and publish an ordinance setting standards for the use of non-Federal lands of such county within the boundaries of the special management areas. The ordinances shall have the object of assuring that the use of such lands is consistent with the management plan. The ordinances may differ amongst the several parcels of land within the boundaries of the special management areas. The ordinances may from time to time be amended by the Commission.

(2) The Commission shall promptly submit the ordinance to the Secretary. The Secretary shall, within ninety days after receipt of the ordinance from the Commission, concur with the tentative determination that the land use ordinance is consistent with the management plan unless a determination of inconsistency is made. Any ordinance submitted to the Secretary shall become effective upon concurrence. Should the Secretary fail to concur within ninety days, the land use ordinance shall be effective.

(3) If concurrence is denied, the Secretary shall state the reasons for finding the ordinance is inconsistent with the management plan, and shall submit to the Commission suggested modifications to the ordinance to make it consistent with the plan.

(4) The Commission shall have ninety days after it receives recommendations from the Secretary to make modifications designed to eliminate the inconsistencies and to resubmit the ordinance to the Secretary for concurrence. The Secretary shall have sixty days to concur with the resubmitted ordinance. Any resubmitted ordinance shall become effective upon concurrence by the Secretary. Should the Secretary deny concurrence for the resubmitted ordinance, the Secretary shall state the reasons therefor and shall promptly resubmit the ordinance for reconsideration. Should the Secretary fail to concur within sixty days, the ordinance shall be deemed effective.

(5) Within one hundred twenty days after receipt of notification of non-concurrence, the Commission shall—

(A) revise and resubmit the land use ordinance to the Secretary; or

(B) by a vote of two-thirds of its membership, including a majority of the members appointed from each State, reject the suggested modifications of the Secretary and adopt a land use ordinance consistent with the provisions of this section and the purposes of sections 544 to 544p of this title.

**(m) Subsequent compliance**

In the event the Commission has adopted an ordinance pursuant to this section, the affected county may thereafter, upon written notice to the Commission and to the Secretary, elect to adopt a special management area land use ordinance, in which event it shall comply with the provisions of this section for adoption of special

management area land use ordinances. Upon concurrence of such land use ordinances by the Secretary they shall supersede any special management area land use ordinances for the county development by the Commission, subject to valid existing rights.

**(n) Effect of Secretary's non-concurrence**

If the Secretary does not concur in any land use ordinance approved or adopted by the Commission pursuant to this section, the availability of certain funds to the relevant county shall be governed by section 544n(c) of this title.

**(*o*) Special rules**

**(1) In general**

Any ordinance adopted pursuant to this section shall not apply to any parcel or parcels of land within a special management area if, after the date such ordinance has been adopted, three years have elapsed after a landowner has made a bona fide offer to sell at fair market value or otherwise convey such parcel or parcels to the Secretary, unless the affected landowner agrees to an extension of the three year period: *Provided*, That an offer shall not be considered bona fide if the landowner refuses consideration equal to the fair market value as appraised in accordance with section 544g(e) of this title. Lands for which an ordinance is suspended pursuant to this subsection shall be subject to the relevant scenic area land use ordinance adopted pursuant to section 544e of this title.

**(2) Applicability**

This subsection shall not apply to any land offered to the Secretary for acquisition after March 31, 2001.

(Pub. L. 99–663, § 8, Nov. 17, 1986, 100 Stat. 4283; Pub. L. 106–291, title III, § 346(b), Oct. 11, 2000, 114 Stat. 999.)

AMENDMENTS

2000—Subsec. (*o*). Pub. L. 106–291 designated existing provisions as par. (1), inserted par. heading, substituted ''section 544g(e) of this title.'' for ''the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 1973).'' in first sentence, and added par. (2).

ADMINISTRATION, OPERATION, AND MAINTENANCE OF PIERCE NATIONAL WILDLIFE REFUGE AND LITTLE WHITE SALMON NATIONAL FISH HATCHERY

Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 418, provided in part that: ''Notwithstanding the provisions of Public Law 99–663 [enacting sections 544 to 544p of this title and amending sections 1274 and 1276 of this title], which established the Columbia River Gorge National Scenic Area, the Pierce National Wildlife Refuge and the Little White Salmon National Fish Hatchery shall continue to be administered, operated and maintained in accordance with the provisions of the National Wildlife Refuge System Administration Act [16 U.S.C. 668dd, 668ee], Fish and Wildlife Coordination Act [16 U.S.C. 661 et seq.], and Fish and Wildlife Act of 1956 [16 U.S.C. 742a et seq.] by the U.S. Fish and Wildlife Service.''

## § 544g. Land acquisition

**(a) Acquisition authorized**

(1) The Secretary is authorized to acquire any lands or interests therein within the special management areas and the Dodson/Warrendale Special Purchase Unit which the Secretary determines are needed to achieve the purposes of sections 544 to 544p of this title: *Provided*, That any lands, waters, or interests therein owned by either State or any political subdivision thereof may be acquired only by donation or exchange.

(2) Lands within the State of Oregon acquired by the Secretary pursuant to sections 544 to 544p of this title shall become part of the Mount Hood National Forest. Lands within the State of Washington acquired by the Secretary pursuant to this section shall become part of the Gifford Pinchot National Forest. All lands acquired by the Secretary pursuant to sections 544 to 544p of this title shall be subject to the laws and regulations pertaining to the National Forest System and sections 544 to 544p of this title.

**(b) Limitations on eminent domain**

(1) Where authorized in subsection (a) of this section to acquire land or interests therein without the consent of the owner, the Secretary shall—

(A) acquire only such land or interests therein as is reasonably necessary to accomplish the purposes of sections 544 to 544p of this title; and

(B) do so only in cases where all reasonable efforts to acquire with the consent of the owner such lands, or interests therein, have failed.

(2) Notwithstanding the provisions of subsection (a) of this section, the Secretary may not acquire without the consent of the owner lands or interests therein which—

(A) on November 17, 1986, were used primarily for educational, religious, or charitable purposes, single-family residential purposes, farming, or grazing so long as the existing character of that use is not substantially changed or permitted for change;

(B) are located in counties with land use ordinances in which the Secretary has concurred pursuant to section 544f of this title, unless such lands are being used, or are in imminent danger of being used, in a manner incompatible with such ordinances;

(C) are within the boundaries of the Dodson/Warrendale Special Purchase Unit; or

(D) are owned by an Indian tribe, held in trust by the United States for an Indian tribe or member of an Indian tribe, or otherwise administered by the United States for the benefit of an Indian tribe or member of an Indian tribe.

**(c) Hardship cases**

In exercising authority to acquire lands pursuant to this section the Secretary shall give prompt and careful consideration to any offer made by any person or entity owning any land, or interest in land, within the boundaries of a special management area. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property.

**(d) Land exchanges**

(1) The Secretary is authorized and directed, in conformance with the provisions of this subsection, to acquire by exchange any parcel of

unimproved forest land at least forty acres in size within the boundaries of the special management areas which is owned by any private forest land owner if, after November 17, 1986, but within one hundred and eighty days after final adoption of the management plan, such private forest land owner offers to the United States such parcel of forest land.

(2) In exercising this authority to acquire forest lands pursuant to this subsection, the Secretary may accept title to such lands and convey to the owner federally owned lands deemed appropriate by the Secretary within the States of Oregon and Washington, regardless of the State in which the transferred lands are located. Forest lands exchanged pursuant to this subsection shall be of approximately equal value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged: *Provided further*, That the Secretary may reserve in any conveyance pursuant to this subsection such easements, subsurface rights, and any other interests in land deemed necessary or desirable: *Provided further*, That the valuation of lands exchanged shall be determined in terms of forest uses for timber.

(3) It is the intention of Congress that land exchanges pursuant to this subsection shall be completed no later than five years after November 17, 1986.

(4) In the event that exchanges authorized by this section leave any private forest land owner with ownership of an uneconomic remnant of forest land contiguous to a special management area, the Secretary is authorized to acquire such forest lands as if they were within the boundaries of a special management area.

(5) The following-described Federal lands and interests therein are hereby identified as candidate lands for exchanges conducted pursuant to this section: *Provided*, That the determination of which candidate lands will be exchanged, and in what sequence, shall be at the discretion of the Secretary. Subject to valid existing rights, such lands are hereby withdrawn from all forms of entry or appropriation or disposal under the public land laws, and from location, entry, and patent under the United States mining law, and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto until the Secretary determines such lands are no longer needed to complete exchanges authorized by this section: *Provided*, That such period shall not extend beyond five years:

GIFFORD PINCHOT NATIONAL FOREST

Wind River-Panther Creek Area

| Section | Township | Range |
|---|---|---|
| 35 | 4N | 7E |
| 36 | 4N | 7E |
| Approx. 430 acres. | | |

South Swift Area

| Section | Township | Range |
|---|---|---|
| 13 | 6N | 5E |
| 23 | 6N | 5E |
| 17 | 6N | 6E |
| 18 | 6N | 6E |
| Approx. 1,920 acres. | | |

National Area

| Section | Township | Range |
|---|---|---|
| 6 | 14N | 7E |
| 7 | 14N | 7E |
| 18 | 14N | 7E |
| 30 | 14N | 7E |
| Approx. 2,560 acres. | | |

Buck Creek-Willard Area

| Section | Township | Range |
|---|---|---|
| 16 | 3N | 9E |
| 1 | 4N | 9E |
| 2 | 4N | 9E |
| 3 | 4N | 9E |
| 10 | 4N | 9E |
| 11 | 4N | 9E |
| 12 | 4N | 9E |
| 15 | 4N | 9E |
| 21 | 4N | 9E |
| 22 | 4N | 9E |
| 26 | 4N | 9E |
| 27 | 4N | 9E |
| 28 | 4N | 9E |
| 29 | 4N | 9E |
| 30 | 4N | 9E |
| 31 | 4N | 9E |
| 32 | 4N | 9E |
| 33 | 4N | 9E |
| 34 | 4N | 9E |
| 35 | 4N | 9E |
| 6 | 4N | 10E |
| 7 | 4N | 10E |
| 5 | 5N | 10E |
| 6 | 5N | 10E |
| 7 | 5N | 10E |
| 8 | 5N | 10E |
| 9 | 5N | 10E |
| 30 | 5N | 10E |
| 31 | 5N | 10E |
| 32 | 5N | 10E |
| Approx. 14,460 acres. | | |

SIUSLAW NATIONAL FOREST

East Beaver Area

| Section | Township | Range |
|---|---|---|
| 33 | 2S | 9W |
| 34 | 2S | 9W |
| 2 | 3S | 9W |
| 3 | 3S | 9W |
| 4 | 3S | 9W |
| 8 | 3S | 9W |
| 9 | 3S | 9W |
| 17 | 3S | 9W |
| Approx. 3,053 acres. | | |

WILLAMETTE NATIONAL FOREST

Ida-McCoy Area

| Section | Township | Range |
|---|---|---|
| 21 | 10S | 6E |
| 28 | 10S | 6E |
| Approx. 680 acres. | | |

MOUNT HOOD NATIONAL FOREST

Estacada Area

| Section | Township | Range |
|---|---|---|
| 15 | 4S | 5E |
| Approx. 560 acres. | | |

Hood River Area

| Section | Township | Range |
|---|---|---|
| 4 | 1N | 9E |
| 36 | 1N | 10E |
| 31 | 1N | 11E |
| 2 | 1S | 9E |
| 3 | 1S | 9E |
| 4 | 1S | 9E |
| 5 | 1S | 9E |
| 6 | 1S | 9E |
| Approx. 5,800 acres. | | |

Zig-Zag Area

| Section | Township | Range |
|---|---|---|
| 22 | 2S | 7E |

Zig-Zag Area—Continued

| Section | Township | Range |
|---|---|---|
| 29<br>Approx. 280 acres.<br>Total acreage: 29,743. | 2S | 7E |

**(e) Appraisals**

**(1) Definition of landowner**

In this subsection, the term ''landowner'' means the owner of legal or equitable title as of September 1, 2000.

**(2) Appraisal standards**

Except as provided in paragraph (3), land acquired or conveyed by purchase or exchange under this section shall be appraised in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

**(3) Special management areas**

**(A) Before April 1, 2001**

Land within a special management area for which the landowner, before April 1, 2001, makes a written bona fide offer to convey to the Secretary for fair market value shall be appraised—

(i) without regard to the effect of any zoning or land use restriction made in response to sections 544 to 544p of this title; but

(ii) subject to any other current zoning or land use restriction imposed by the State or locality in which the land is located on the date of the offer.

**(B) On or after April 1, 2001**

Land within a special management area for which the landowner, on or after April 1, 2001, makes a written bona fide offer to convey to the Secretary for fair market value shall be appraised subject to—

(i) any zoning or land use restriction made in response to sections 544 to 544p of this title; and

(ii) any other current zoning or land use restriction that applies to the land on the date of the offer.

**(f) Authorization for certain land exchanges**

**(1) In general**

To facilitate priority land exchanges through which land within the boundaries of the White Salmon Wild and Scenic River or within the scenic area is conveyed to the United States, the Secretary may accept title to such land as the Secretary determines to be appropriate within the States, regardless of the State in which the land conveyed by the Secretary in exchange is located, in accordance with land exchange authorities available to the Secretary under applicable law.

**(2) Special rule for land certain exchanges**

Notwithstanding any other provision of law—

(A) any exchange described in paragraph (1) for which an agreement to initiate has been executed as of September 30, 2000, shall continue; and

(B) any timber stumpage proceeds collected under the exchange shall be retained by the Forest Service to complete the exchange.

**(g) Boundaries**

For the purposes of sections 100506(c) and 200306 of title 54, the boundaries of the scenic area, including special management areas and the Dodson/Warrendale Special Purchase Unit shall be treated as if they were within the boundaries of the Mount Hood or Gifford Pinchot National Forests as of January 1, 1965.

(Pub. L. 99–663, § 9, Nov. 17, 1986, 100 Stat. 4287; Pub. L. 104–66, title I, § 1011(n), Dec. 21, 1995, 109 Stat. 710; Pub. L. 106–291, title III, § 346(a), Oct. 11, 2000, 114 Stat. 999.)

CODIFICATION

In subsec. (g), ''sections 100506(c) and 200306 of title 54'' substituted for ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9) [sic]'' on authority of Pub. L. 113–287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

AMENDMENTS

2000—Subsecs. (e) to (g). Pub. L. 106–291 added subsecs. (e) and (f) and redesignated former subsec. (e) as (g).

1995—Subsec. (d)(3). Pub. L. 104–66 struck out provision at end requiring Secretary to report to Congress on status of negotiations with owners of non-Federal lands regarding land exchanges.

PUBLICATION OF NOTICE

Pub. L. 106–291, title III, § 346(c), Oct. 11, 2000, 114 Stat. 1000, provided that:

''(1) Not later than November 1, 2000, the Secretary of Agriculture shall provide notice of the provisions contained in the amendments made by subsections (a) and (b) [amending this section and section 544f of this title] through—

''(A) publication of a notice in the Federal Register and in newspapers of general circulation in the counties in the Columbia River Gorge National Scenic Area; and

''(B) posting of a notice in each facility of the United States Postal Service located in those counties.

''(2) If the counties wherein special management areas are located provide the Forest Service administrator of the Columbia River Gorge National Scenic Area lists of the names and addresses of landowners within the special management areas as of September 1, 2000, the Forest Service shall send to such names and addresses by certified first class mail notice of the provisions contained in the amendments made by subsections (a) and (b);

''(A) The mailing shall occur within twenty working days of the receipt of the list; and

''(B) The mailing shall constitute constructive notice to landowners, and proof of receipt by the addressee shall not be required.''

CONVEYANCE OF LANDS BETWEEN SKAMANIA COUNTY AND THE UNITED STATES

Pub. L. 105–277, div. A, § 101(e) [title III, § 341], Oct. 21, 1998, 112 Stat. 2681–231, 2681–296, provided that:

''Upon the condition that Skamania County conveys title acceptable to the Secretary of Agriculture to all right, title and interest in lands identified on a map dated September 29, 1998 entitled 'Skamania County Lands to be Transferred', such lands being located on Table Mountain lying within the Columbia River Gorge National Scenic Area, there is hereby conveyed to Skamania County, notwithstanding any other provision of law, the Wind River Nursery Site lands and facilities and all interests therein, except for the corridor of the Pacific Crest National Scenic Trail, as depicted

on a map dated September 29, 1998, entitled 'Wind River Conveyance', which is on file and available for public inspection in the Office of the Chief, USDA Forest Service, Washington, D.C.

''The conveyance of lands to Skamania County shall become automatically effective upon a determination by the Secretary that Skamania County has conveyed acceptable title to the United States to the Skamania County lands. Lands conveyed to the United States shall become part of the Gifford Pinchot National Forest and shall have the status of lands acquired under the Act of March 1, 1911, (commonly called the Weeks Act) [see Short Title note set out under section 552 of this title] and shall be managed in accordance with the laws and regulations applicable to the National Forest System.''

LAND EXCHANGES

Pub. L. 105–83, title III, § 336, Nov. 14, 1997, 111 Stat. 1602, provided that: ''To facilitate priority land exchanges through which the United States will receive land within the White Salmon Wild and Scenic River boundaries and within the Columbia River Gorge National Scenic Area, the Secretary of Agriculture may, until September 30, 2000, accept title to such lands deemed appropriate by the Secretary within the States of Oregon and Washington, regardless of the State in which the transferred lands are located, following existing exchange authorities.''

WIND RIVER NURSERY

Pub. L. 105–83, title III, § 340, Nov. 14, 1997, 111 Stat. 1603, provided that:

''(a) The Secretary of Agriculture is authorized and directed to negotiate with Skamania County for the exchange of lands or interests in lands constituting the Wind River Nursery Site within the Gifford Pinchot National Forest, Washington.

''(b) In return for the Nursery Site properties, Skamania County is authorized and directed to negotiate with the Forest Service the conveyance of approximately 120 acres of high biodiversity, special management lands located near Table Mountain within the Columbia River Gorge National Scenic Area, title to which must be acceptable to the Secretary of Agriculture.

''(c) Before this exchange can occur, it must be of equal value and the Secretary and the Skamania County Board of Commissioners must agree on the exact parcels of land to be included in the exchange. An agreement signed by the Secretary of Agriculture and the Skamania County Board of Commissioners describing the properties involved and a certification that the exchange is of equal value must be completed no later than September 30, 1999.

''(d) During this two-year negotiating period, the Wind River Nursery property shall not be conveyed to another party. The Forest Service shall maintain the site in a tenantable condition.

''(e) Except as provided herein, the exchange shall be for equal value in accordance with land exchange authorities applicable to the National Forest System.

''(f) The Secretary is directed to equalize values by not only cash and exchange of lands, easements, reservations, and other interests in lands, but also by full value credit for such services as Skamania County provides to the Gifford Pinchot and Columbia River Gorge National Scenic Area and as the Secretary and Skamania County deem appropriate. The Secretary may accept services in lieu of cash when the Secretary can discern cash value for the services and when the Secretary determines such services would provide direct benefits to lands and resources and users of such lands and resources under the jurisdiction of the Secretary.

''(g) Any cash equalization which Skamania County elects to make may be made up to 50 percent of the fair market value of the Federal property, and such cash equalization may be made in installments over a period not to exceed 25 years. Payments received as partial consideration shall be deposited into the fund in the Treasury established under the Act of December 4, 1967 [16 U.S.C. 484a], commonly known as the Sisk Act, and shall be available for expenditure as provided in the Act except that the Secretary may not use those funds to purchase lands within Skamania County.

''(h) In defining the Federal estate to be conveyed, the Secretary may require such additional terms and conditions as deemed necessary in connection with assuring equal value and public interest considerations in this exchange including, but not limited to, continued research use of the Wind River Experimental Forest and protection of natural, cultural, and historic resources, existing administrative sites, and a scenic corridor for the Pacific Crest National Scenic Trail.

''(i) This authorization is predicated on Skamania County's Board of Commissioners commitment to give foremost consideration to preservation of the overall integrity of the site and conservation of the educational and research potential of the site, including providing for access to and assurance of the continued administration and operation of forestry research on the adjacent Thornton Munger Research Natural Area.

''(j) The Secretary is further directed to cooperate with Skamania County to address applicable Federal and State environmental laws.

''(k) Notwithstanding the processes involved with the National Environmental Policy Act [of 1969, 42 U.S.C. 4321 et seq.] and the State Environmental Policy Act, should the Secretary of Agriculture and the Skamania County Board of Commissioners fail to reach an agreement on an equal value exchange defined under the terms of this legislation by September 30, 1999, the Wind River Nursery Site shall remain under Forest Service ownership and be maintained by the Forest Service in a tenantable condition.''

## § 544h. Interim management

### (a) Interim guidelines

(1)[1] Within one hundred eighty days after November 17, 1986, the Secretary shall develop interim guidelines for the scenic area outside urban areas to identify land use activities which are inconsistent with sections 544 to 544p of this title and to govern the authority to acquire land without the consent of the owner provided by subsection (b) of this section. The Secretary shall promptly notify the public of adoption of the interim guidelines and transmit the guidelines to each county. Guidelines adopted by the Secretary pursuant to this subsection shall remain in effect for each county until the Secretary has developed guidelines for the special management areas pursuant to section 544f of this title and the land use ordinances prescribed by section 544e of this title are in effect.

### (b) Interim acquisition authority and injunctive relief

Prior to the concurrence by the Secretary of land use ordinances prescribed by section 544f of this title and the approval by the Commission of land use ordinances prescribed by section 544e of this title, the following authorities are granted:

(1) The Secretary may acquire by condemnation any land or interest which is being used or threatened to be used in a manner inconsistent with the purposes for which the scenic area was established and which will cause or is likely to cause impacts adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area: *Provided*, That no

[1] So in original. No par. (2) has been enacted.

lands or interests therein can be acquired by condemnation pursuant to this section if used in the same manner and for the same purposes as used on November 17, 1986, unless such land is used for or interest is in the development of sand, gravel, or crushed rock, or the disposal of refuse: *Provided further*, That within thirty days of the filing by the Secretary of a complaint for condemnation of any land or interest in the scenic area, outside of the special management areas and urban areas, the Commission, by a vote of two-thirds of its membership including a majority of the members appointed from each State, or if the Commission is not in existence the Governor of the State in which the land or interest is located, may disapprove such proposed complaint.

(2) Upon or after the commencement of any action for condemnation pursuant to this subsection, the Secretary, acting through the Attorney General of the United States, may apply to the appropriate United States District Court for a temporary restraining order or injunction to prohibit the use of any property within the scenic area, but outside of urban areas, which will cause or is likely to cause impacts adversely affecting the scenic, cultural, recreation and natural resources of the scenic area or is otherwise inconsistent with the purposes for which the scenic area was established. During the period of such order or injunction, the Secretary shall diligently and in good faith negotiate with the owner of the property to assure that, following termination of the order or injunction, the inconsistent use is abated or the adverse effect is mitigated.

**(c) Review of development action**

Prior to the effective date of a land use ordinance for each county pursuant to section 544e of this title, and concurrence of the Secretary on a land use ordinance for each county pursuant to section 544f of this title, the Commission shall review all proposals for major development actions and new residential development in such county in the scenic area, except urban areas. The Commission shall allow major development actions and new residential development only if it determines that such development is consistent with the standards contained in section 544d of this title and the purposes of sections 544 to 544p of this title.

(Pub. L. 99–663, § 10, Nov. 17, 1986, 100 Stat. 4291.)

CODIFICATION

November 17, 1986, referred to in subsec. (b)(1), was in the original ''the effective date of this Act'', which was translated as being the date of enactment of Pub. L. 99–663.

### § 544i. Economic development

**(a) Economic development plan**

Based on the Economic Opportunity Study and other appropriate information, each State, in consultation with the counties and the Commission, shall develop a plan for economic development projects for which grants under this section may be used in a manner consistent with sections 544 to 544p of this title.

**(b) Funds provided to States for grants**

Upon certification of the management plan, and receipt of a plan referred to in subsection (a) of this section, the Secretary shall provide $5,000,000 to each State which each State shall use to make grants and loans for economic development projects that further the purposes of sections 544 to 544p of this title.

**(c) Conditions of grants**

Each State making grants under this section shall require as a condition of a grant that—

(1) all activities undertaken under the grant are certified by the Commission as being consistent with the purposes of sections 544 to 544p of this title, the management plan, and land use ordinances adopted pursuant to sections 544 to 544p of this title;

(2) grants and loans are not used to relocate a business from one community to another;

(3) grants and loans are not used for program administration; and

(4) grants and loans are used only in counties which have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary pursuant to section 544f of this title.

**(d) Report**

Each State shall—

(1) prepare and provide the Secretary with an annual report to the Secretary on the use of the funds made available under this section;

(2) make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this section; and

(3) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

(Pub. L. 99–663, § 11, Nov. 17, 1986, 100 Stat. 4292.)

### § 544j. Old Columbia River Highway

The Oregon Department of Transportation shall, in consultation with the Secretary and the Commission, the State of Oregon and the counties and cities in which the Old Columbia River Highway is located, prepare a program and undertake efforts to preserve and restore the continuity and historic integrity of the remaining segments of the Old Columbia River Highway for public use as a Historic Road, including recreation trails to connect intact and usable segments.

(Pub. L. 99–663, § 12, Nov. 17, 1986, 100 Stat. 4293.)

### § 544k. Tributary rivers and streams

**(a) Water resources projects**

The following rivers and streams shall be subject to the same restrictions on the licensing, permitting, and exempting from licensing and the construction of water resource projects as provided for components of the National Wild and Scenic Rivers System pursuant to section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)):

(1) any tributary river or stream to the Columbia River not designated in subsections[1]

[1] So in original. Probably should be ''subsection''.

(c) or (d) of this section or otherwise specified in this subsection which flows in whole or in part through a special management area, unless the construction of a water resources project would not have a direct and adverse effect on the scenic, cultural, recreation, and natural resources of the scenic area;

(2) any river or river segment which flows in whole or in part through the scenic area and which is established pursuant to State law as a wild, scenic, or recreation river or which is under study pursuant to State law for the potential inclusion in any such State protected river system, unless such project or projects meet terms and conditions set by State agencies exercising administration over such river or river segment;

(3) the Wind River, Washington, for a period not less than three years following the later of—

(A) final approval of the Gifford Pinchot National Forest Plan, adopted pursuant to the National Forest Management Act of 1976 (Act of October 22, 1976, Public Law 94–588, as amended) (16 U.S.C. 1600 et seq.); or

(B) submittal by the Secretary of a report to the President on the suitability or nonsuitability for addition to the national wild and scenic rivers system and a report by the President to the Congress of recommendations and proposals with respect to the designation of such river under the Wild and Scenic Rivers Act [16 U.S.C. 1271 et seq.];

(4) the Hood River, Oregon, if such facility impounds or diverts water other than by means of a dam or diversion existing as of November 17, 1986; and

(5) the segment of the Little White Salmon, Washington, from the Willard National Fish Hatchery to its confluence with the Columbia River if such facility impounds or diverts water other than by means of a dam or diversion existing as of November 17, 1986.

**(b) Exceptions**

The provisions of subsection (a) shall not apply to those portions of tributary rivers or streams to the Columbia River which flow through or border on Indian reservations. Nothing in this section shall apply to or affect any segment of any river designated as a wild and scenic river under section 3 of the Wild and Scenic Rivers Act (16 U.S.C. 1274) or any river designated for study under section 5 of such Act (16 U.S.C. 1276).

(Pub. L. 99–663, § 13(a), (b), Nov. 17, 1986, 100 Stat. 4293, 4294; Pub. L. 111–11, title I, § 1203(b), Mar. 30, 2009, 123 Stat. 1012.)

REFERENCES IN TEXT

Subsection (c) or (d) of this section, referred to in subsec. (a)(1), is subsec. (c) or (d) of section 13 of Pub. L. 99–663, Nov. 17, 1986, 100 Stat. 4294, which amended sections 1274(a) and 1276(a), respectively, of this title.

The National Forest Management Act of 1976, referred to in subsec. (a)(3)(A), is Pub. L. 94–588, Oct. 22, 1976, 90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594–2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

The Wild and Scenic Rivers Act, referred to in subsec. (a)(3)(B), is Pub. L. 90–542, Oct. 2, 1968, 82 Stat. 906, as amended, which is classified generally to chapter 28 (§ 1271 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1271 of this title and Tables.

CODIFICATION

Section 13 of Pub. L. 99–663, which enacted this section, consisted of subsecs. (a) to (d). Subsecs. (a) and (b) of section 13 were classified to this section, and subsecs. (c) and (d) of section 13 amended sections 1274 and 1276 of this title, respectively.

AMENDMENTS

2009—Subsec. (a)(4). Pub. L. 111–11 struck out ''for a period not to exceed twenty years from November 17, 1986,'' before ''if such facility''.

## § 544*l*. Implementation measures

**(a) Assistance to counties**

The Secretary shall provide technical assistance on a nonreimbursable basis to counties for the development of land use ordinances prescribed by sections 544e and 544f of this title: *Provided*, That in the event a county fails to obtain approval by the Commission for a land use ordinance within three years after the date technical assistance is first provided under this subsection for the development of a land use ordinance, the Secretary shall terminate all technical assistance for any participation in the development of such ordinance.

**(b) Payment of timber receipts**

(1) Notwithstanding the provisions of section 500 of this title, that portion of which is paid under such provisions to the State of Oregon with respect to the special management areas within the Mount Hood National Forest, the Gates of the Columbia Gorge Special Management Area, Mount Hood National Forest, and to the State of Washington with respect to the special management areas within the Gifford Pinchot National Forest—

(A) not less than 50 per centum shall be expended for the benefit of the public schools of the county which has adopted implementation measures pursuant to sections 544 to 544p of this title; and

(B) the remainder shall be expended for the benefit of public roads or any public purposes of any county which has adopted implementation measures pursuant to sections 544 to 544p of this title.

(2) Paragraph (1) of this subsection shall not apply—

(A) to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (b)(1) at the end of any fiscal year ending before November 17, 1986; or

(B) for a particular county, if the county does not have in effect a land use ordinance which has been found consistent by the Commission and concurred on by the Secretary pursuant to section 544f of this title.

**(c) Payments to local governments**

(1) Subject to section 544n(b) of this title, in the case of any land or interest therein acquired

by the Secretary pursuant to section 544g of this title, which was subject to local real property taxes within the five years preceding such acquisition and which is located in a county which has in effect a land use ordinance which has been found consistent by the Commission and concurred on by the Secretary pursuant to section 544f of this title, the Secretary is authorized and directed to make annual payments to the county in which such lands are located in an amount equal to 1 per centum of the fair market value of such land or interest therein on the date of acquisition by the Secretary.

(2) Notwithstanding paragraph (1) of this subsection, any payment made for any fiscal year to a county pursuant to this subsection shall not exceed the amount of real property taxes assessed and levied on such property during the last full fiscal year before the fiscal year in which such land or interest therein was acquired by the Secretary.

(3) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no payment shall be made under this subsection with respect to any land or interest therein after the eighth full fiscal year beginning after the first fiscal year in which such a payment was made with respect to such land or interest therein.

(B) CONTINUATION OF CERTAIN PAYMENTS.—For any land or interest in land for which the Secretary is making a payment in fiscal year 2000, such payment shall be continued for a total of eight fiscal years.

**(d) Federal consistency**

Except as otherwise provided in subsection (e) or in section 544*o* of this title, Federal agencies having responsibilities within the scenic area shall exercise such responsibilities consistent with the provisions of sections 544 to 544p of this title as determined by the Secretary.

**(e) Limitations on Federal expenditures affecting the scenic area**

(1) Except as provided in paragraph (3), if the Commission has not been established pursuant to section 544c of this title within fifteen months after November 17, 1986, or is otherwise disestablished for any reason, no new expenditures or new financial assistance may be made available, and no new license or new permit, or exemption from a license or permit requirement, shall be issued, under authority of any Federal law for any activity within the scenic area, excluding urban areas, which the Secretary,[1] determines is inconsistent with any implementation measure pursuant to, the standards established in section 544d(b) of this title, or the purposes of sections 544 to 544p of this title.

(2)(A)(i) An expenditure or financial assistance made available under authority of Federal law shall be treated, for purposes of this subsection, as a new expenditure or new financial assistance if—

(I) in any case with respect to which specific appropriations are required, no money for construction or purchase was appropriated before October 1, 1986; or

(II) no legally binding commitment for the expenditure or financial assistance was made before October 1, 1986.

(ii) Payments made to the State pursuant to the following Acts shall not be treated as an expenditure or financial assistance for purposes of this subsection: section 500 of this title; the Mineral Lands Leasing Act of 1920 [30 U.S.C. 181 et seq.]; chapter 69 of title 31 (relating to payments in lieu of taxes for entitlement land); the Act of June 9, 1916 (39 Stat. 218), and the Act of Feb. 26, 1919 (40 Stat. 1179).

(B) A license or permit, or exemption from a license or permit requirement, shall be treated, for purposes of this subsection, as a new license or new permit, or exemption from a license or permit requirement, if such license or permit, or exemption from a license or permit requirement, was issued on or after October 1, 1986. A renewal under similar terms and conditions of a license or permit, or exemption from a license or permit requirement, issued before October 1, 1986, shall not be treated as a new license or new permit, or exemption from a license or permit requirement.

(3) Notwithstanding paragraph (1), the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures or financial assistance available within the area for any of the following:

(A) The maintenance of existing channel improvements and related structures, and including the disposal of dredge materials related to such improvements.

(B) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

(C) Military activities essential to national security.

(D) Any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the standards in section 544d(b) of this title and the purposes of sections 544 to 544p of this title:

(i) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(ii) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(iii) Projects under chapter 2003 of title 54 and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(iv) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

(v) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146)[2]

[1] So in original. The comma probably should not appear.

[2] See References in Text note below.

and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103)[2] and are limited to actions that are necessary to alleviate the emergency.

(vi) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities. This clause shall not apply to roads, structures, or facilities referred to in paragraph (3)(B).

(vii) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

(4) The Director of the Office of Management and Budget shall, on behalf of each Federal agency concerned, make written certification that each such agency has complied with the provisions of this subsection during each fiscal year beginning after September 30, 1987. Such certification shall be submitted on an annual basis to the House of Representatives and the Senate pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974.

(5) Nothing contained in this subsection shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person or any obligation imposed by any law of any State, or political subdivision of a State. No provision of this subsection shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This subsection shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, and restore lands within its established boundary.

**(f) Transfer of public lands**

Subject to valid existing rights, all public lands within the scenic area administered by the Secretary of the Interior through the Bureau of Land Management are hereby transferred without consideration to the jurisdiction of the Secretary to be managed as National Forest lands in accordance with the provisions of sections 544 to 544p of this title.

(Pub. L. 99–663, § 14, Nov. 17, 1986, 100 Stat. 4294; Pub. L. 106–291, title III, § 346(e), Oct. 11, 2000, 114 Stat. 1000; Pub. L. 113–287, § 5(d)(16), Dec. 19, 2014, 128 Stat. 3265.)

REFERENCES IN TEXT

The Mineral Lands Leasing Act of 1920, referred to in subsec. (e)(2)(A)(ii), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§ 181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

Act of June 9, 1916, referred to in subsec. (e)(2)(A)(ii), is act June 9, 1916, ch. 137, 39 Stat. 218, which is not classified to the Code.

Act of Feb. 26, 1919, referred to in subsec. (e)(2)(A)(ii), is act Feb. 26, 1919, ch. 47, 40 Stat. 1179, which is not classified to the Code.

The Coastal Zone Management Act of 1972, referred to in subsec. (e)(3)(D)(iii), is title III of Pub. L. 89–454 as added by Pub. L. 92–583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§ 1451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of this title and Tables.

The Disaster Relief Act of 1974, referred to in subsec. (e)(3)(D)(v), was renamed The Robert T. Stafford Disaster Relief and Emergency Assistance Act, and was substantially revised by Pub. L. 100–707, Nov. 23, 1988, 102 Stat. 4689. Section 102(b) of Pub. L. 100–707 provided that a reference in any other law to a provision of the Disaster Relief Act of 1974 shall be deemed to be a reference to such provision of The Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Robert T. Stafford Disaster Relief and Emergency Assistance Act was renamed the Robert T. Stafford Disaster Relief and Emergency Assistance Act by Pub. L. 106–390, title III, § 301, Oct. 30, 2000, 114 Stat. 1572. Section 105(d) of Pub. L. 100–707 repealed sections 305 and 306 of the Act (42 U.S.C. 5145 and 5146) and redesignated sections 308 and 309 of the Act (42 U.S.C. 5148 and 5149), and any references thereto, as sections 305 and 306, respectively. For corresponding provisions to former sections 305 and 306 of the Act, see sections 5170a, 5170b, and 5192 of Title 42, The Public Health and Welfare.

Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103), referred to in subsec. (e)(3)(D)(v), was repealed by Pub. L. 103–325, title V, § 551(a), Sept. 23, 1994, 108 Stat. 2269.

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (e)(4), is Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

AMENDMENTS

2014—Subsec. (e)(3)(D)(iii). Pub. L. 113–287, which directed amendment of subsec. (e)(3)(D)(iii) by substituting ''chapter 2003 of title 54'' for ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 through 11)'', was executed by making the substitution for ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 through 11)'', to reflect the probable intent of Congress.

2000—Subsec. (c)(3). Pub. L. 106–291 inserted par. heading, designated existing provisions as subpar. (A), inserted subpar. heading, substituted ''Except as provided in subparagraph (B), no payment'' for ''No payment'', substituted ''eighth full fiscal year'' for ''fifth full fiscal year'', and added subpar. (B).

## § 544m. Enforcement

**(a) Administrative remedies**

**(1) Commission orders**

The Commission shall monitor activities of counties pursuant to sections 544 to 544p of this title and shall take such actions as it determines are necessary to ensure compliance.

**(2) Appeal to the Commission**

Any person or entity adversely affected by any final action or order of a county relating to the implementation of sections 544 to 544p of this title may appeal such action or order to the Commission by filing with the Commission within thirty days of such action or order, a written petition requesting that such action or order be modified, terminated, or set aside.

**(3) Civil penalties**

Any person or entity who willfully violates the management plan or any land use ordinance or any implementation measure or any order issued by the Commission pursuant to

sections 544 to 544p of this title may be assessed a civil penalty by the Commission not to exceed $10,000 for each violation. No penalty may be assessed under this subsection unless such person or entity is given notice and opportunity for a public hearing with respect to such violation. The Commission may compromise, modify, or remit, with or without conditions, any penalty imposed under this subsection, taking into consideration the nature and seriousness of the violation and the efforts of the violator to remedy the violation in a timely manner.

**(b) Judicial remedies**

**(1) Civil actions to enforce sections 544 to 544p of this title**

(A) Except as otherwise limited by sections 544 to 544p of this title, the Attorney General of the United States may, at the request of the Secretary, institute a civil action for an injunction or other appropriate order to prevent any person or entity from utilizing lands within the special management areas in violation of the provisions of sections 544 to 544p of this title, interim guideline adopted or other action taken by the Secretary pursuant to sections 544 to 544p of this title.

(B) The Commission, or, at the request of the Commission, or the attorney general of Oregon or Washington, may institute a civil action for an injunction or other appropriate order to prevent any person or entity from utilizing lands within the scenic area outside urban areas in violation of the provisions of sections 544 to 544p of this title, the management plan, or any land use ordinance or interim guideline adopted or other action taken by the Commission or any county pursuant to sections 544 to 544p of this title.

**(2) Citizens suits**

Any person or entity adversely affected may commence a civil action to compel compliance with sections 544 to 544p of this title—

(A) against the Secretary, the Commission or any county where there is alleged a violation of the provisions of sections 544 to 544p of this title, the management plan or any land use ordinance or interim guideline adopted or other action taken by the Secretary, the Commission, or any county pursuant to or Commission[1] under sections 544 to 544p of this title; or

(B) against the Secretary, the Commission, or any county where there is alleged a failure of the Secretary, the Commission or any county to perform any act or duty under sections 544 to 544p of this title which is not discretionary with the Secretary, the Commission or any county.

**(3) Limitation on bringing of citizens suits**

No action may be commenced—

(A) under paragraph (2)(A) of this subsection—

(i) prior to sixty days after the plaintiff has given notice in writing of the alleged violation to the Secretary, to the Commission, and to the county in which the violation is alleged to have occurred; or

(ii) if the Attorney General of the United States, or the attorney general of Oregon or Washington, has commenced and is diligently prosecuting a civil action on the same matter pursuant to paragraph (1) of this subsection to require compliance with the management plan or any regulations, guidelines, or standards issued or other actions taken by the Secretary, the Commission, or any county pursuant to sections 544 to 544p of this title: *Provided*, That in any such action any person or entity otherwise entitled to bring an action pursuant to paragraph (2) of this subsection may intervene as a matter of right; or

(iii) which challenges the consistency of the draft management plan with the purposes and standards of sections 544 to 544p of this title or with other applicable law prior to the certification or adoption of the Management Plan pursuant to section 544d of this title; or

(B) under paragraph (2)(B) of this subsection prior to sixty days after the plaintiff has given notice in writing of such action to the Secretary, the Commission, and to the county in which the failure to perform any act or duty pursuant to sections 544 to 544p of this title is alleged: *Provided*, That such action may be brought immediately after such notification where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

**(4) Judicial review**

Any person or entity adversely affected by—

(A) any final action or order of a county, the Commission, or the Secretary relating to the implementation of sections 544 to 544p of this title;

(B) any land use ordinance or interim guideline adopted pursuant to sections 544 to 544p of this title;

(C) any appeal to the Commission pursuant to this section;

(D) any civil penalty assessed by the Commission pursuant to paragraph (a)(3) of this subsection may appeal such action or order by filing in any of the courts specified in paragraph (5) of this subsection, within sixty days after the date of service of such order or within sixty days after such action is taken, a written petition requesting such action, order, land use ordinance, interim guideline, or appeal taken to the Commission be modified, terminated, or set aside.

**(5) Federal court jurisdiction**

The United States district courts located in the States of Oregon and Washington shall have jurisdiction over—

(A) any criminal penalty imposed pursuant to section 551 of this title, or any other applicable law for violation of any order, regulation or other action taken by the Secretary pursuant to sections 544 to 544p of this title;

[1] So in original. The word ''Commission'' probably should not appear.

(B) any civil action brought against the Secretary pursuant to this section; or

(C) any appeal of any order, regulation, or other action of the Secretary taken pursuant to paragraph (4) of this subsection.

**(6) State court jurisdiction**

The State courts of the States of Oregon and Washington shall have jurisdiction—

(A) to review any appeals taken to the Commission pursuant to subsection (a)(2) of this section;

(B) over any civil action brought by the Commission pursuant to subsection (b)(1) of this section or against the Commission, a State, or a county pursuant to subsection (b)(2) of this section;

(C) over any appeal of any order, regulation, or other action of the Commission or a county taken pursuant to paragraph 4[2] of this subsection; or

(D) any civil penalties assessed by the Commission pursuant to subsection (a)(3) of this section.

(Pub. L. 99–663, § 15, Nov. 17, 1986, 100 Stat. 4297.)

**§ 544n. Authorization of appropriations**

**(a) General authorizations**

There are authorized to be appropriated for fiscal years after the fiscal year 1986 such sums as are described below;[1]

(1) For the purpose of acquisition of lands, water and interests therein pursuant to sections 544 to 544p of this title: $40,000,000: *Provided*, That of this amount no more than $10,000,000 shall be available to acquire lands, water, and interests therein pursuant to section 544h of this title. Such amounts are authorized to be appropriated from amounts covered into the Land and Water Conservation Fund notwithstanding any allocation, apportionment, or limitation contained in chapter 2003 of title 54.

(2) For the purpose of providing payments to local governments pursuant to section 544*l*(c) of this title: $2,000,000.

**(b) Specific authorizations**

There are authorized to be appropriated for fiscal years after the fiscal year 1986, effective upon concurrence on the management plan pursuant to section 544d of this title:

(1) For the purpose of construction of an interpretive center to be located in the State of Oregon, and a conference center to be located in the State of Washington: $10,000,000.

(2) For the purpose of construction of recreation facilities pursuant to section 544e(d) of this title: $10,000,000.

(3) For the purpose of preparing a program and restoring and reconstructing the Old Columbia River Scenic Highway, Oregon pursuant to section 544j of this title: $2,800,000.

(4) For the purpose of providing economic development grants pursuant to section 544i of this title: $5,000,000 for each State: *Provided*, That funds authorized to be appropriated pursuant to this paragraph shall be available for the acquisition of lands and interests therein pursuant to section 544h of this title if, at the expiration of three years, the States have failed to carry out their respective function pursuant to section 544c of this title.

**(c) Availability of funds**

Funds appropriated under subsections (a)(2) and (b) shall not be made available for any county which does not have in effect a land use ordinance which has been found to be consistent by the Commission, and concurred on by the Secretary as consistent with the management plan pursuant to section 544f of this title.

(Pub. L. 99–663, § 16, Nov. 17, 1986, 100 Stat. 4300; Pub. L. 113–287, § 5(d)(17), Dec. 19, 2014, 128 Stat. 3265.)

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113–287, which directed amendment of par. (1) by substituting ''chapter 2003 of title 54'' for ''the Land and Water Conservation Fund (16 U.S.C. 460*l*–4 and following)'', was executed by making the substitution for ''the Land and Water Conservation Fund (16 U.S.C. 4601–4 and following)'', to reflect the probable intent of Congress.

**§ 544*o*. Savings provisions**

**(a) Effect on rights of Indians, use of water, rivers and streams, interstate compacts, existing transmission facilities, hunting and fishing, forest plans, scenic areas**

Nothing in sections 544 to 544p of this title shall—

(1) affect or modify any treaty or other rights of any Indian tribe;

(2) except as provided in section 13(c),[1] authorize the appropriation or use of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual;

(3) except as provided in section 13(c),[1] affect the rights or jurisdictions of the United States, the States, Indian tribes or other entities over waters of any river or stream or over any ground water resource or affect or interfere with transportation activities on any such river or stream;

(4) except as provided in section 13(c),[1] alter, establish, or affect the respective rights of the United States, the States, Indian tribes, or any person with respect to any water or water-related right;

(5) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States before November 17, 1986;

(6) affect or modify the ability of the Bonneville Power Administration to operate, maintain, and modify existing transmission facilities;

(7) affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes;

(8) affect the laws, rules and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties;

[2] So in original. Probably should be paragraph ''(4)''.

[1] So in original. The semicolon probably should be a colon.

[1] See References in Text note below.

(9) require any revision or amendment of any forest plan adopted pursuant to the National Forest Management Act of 1976 (Act of October 22, 1976, Public Law 94–588, as amended (16 U.S.C. 1600 et seq.)); or

(10) establish protective perimeters or buffer zones around the scenic area or each special management area. The fact that activities or uses inconsistent with the management directives for the scenic area or special management areas can be seen or heard from these areas shall not, of itself, preclude such activities or uses up to the boundaries of the scenic area or special management areas.

**(b) Improvement of navigation facilities at Bonneville Dam**

Except for the offsite disposal of excavation material, nothing in sections 544 to 544p of this title shall be construed to affect or modify the responsibility of the United States Army Corps of Engineers to improve navigation facilities at Bonneville Dam pursuant to Federal law.

**(c) Rights and responsibilities of non-Federal timber land owners**

Except for the management, utilization, or disposal of timber resources of non-Federal lands within the special management areas, nothing in sections 544 to 544p of this title shall affect the rights and responsibilities of non-Federal timber land owners under the Oregon and Washington Forest Practices Acts or any county regulations which under applicable State law supersede such Acts.

**(d) Interstate compacts**

Mandatory language in sections 544 to 544p of this title respecting the powers and responsibilities of the Commission shall be interpreted as conditions precedent to congressional consent to the interstate compact described in section 544c of this title.

**(e) Failure to establish Columbia River Gorge Commission; responsibility of Secretary**

In the event that the States of Washington and Oregon fail to comply with the provisions of section 544c of this title, the Secretary shall not be obligated to take actions which are predicated upon the establishment of the Commission.

**(f) Actions of Secretary as major Federal actions affecting the environment**

(1) Actions by the Secretary pursuant to subsections (f), (g), and (h) of section 544d of this title; subsections (f), (j), (k), and (*l*) of section 544f of this title; section 544g of this title; and subsections (a) and (b)(2) of section 544h of this title shall neither be considered major Federal actions significantly affecting the quality of the environment under section 102 of the National Environmental Policy Act (42 U.S.C. 4332) nor require the preparation of an environmental assessment in accordance with that Act [42 U.S.C. 4321 et seq.].

(2) Except as provided in paragraph (1) of this subsection, nothing in sections 544 to 544p of this title shall expand, restrict, or otherwise alter the duties of the Secretary under the National Environmental Policy Act.

(Pub. L. 99–663, § 17, Nov. 17, 1986, 100 Stat. 4300.)

REFERENCES IN TEXT

Section 13(c), referred to in subsec. (a)(2) to (4), is section 13(c) of Pub. L. 99–663, Nov. 17, 1986, 100 Stat. 4294, which amended section 1274(a) of this title.

The National Forest Management Act of 1976, referred to in subsec. (a)(9), is Pub. L. 94–588, Oct. 22, 1976, 90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, 581h, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594–2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

The National Environmental Policy Act, referred to in subsec. (f), probably means the National Environmental Policy Act of 1969, Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

## § 544p. Severability

(a)[1] If any provision of sections 544 to 544p of this title or the application thereof to any person, State, Indian tribe, entity, or circumstance is held invalid, neither the remainder of sections 544 to 544p of this title, nor the application of any provisions herein to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

(Pub. L. 99–663, § 18, Nov. 17, 1986, 100 Stat. 4302.)

## § 545. Mount Pleasant National Scenic Area; purposes

The purposes of sections 545 and 545a of this title with respect to the Mount Pleasant National Scenic Area are to—

(1) ensure appropriate protection and preservation of the scenic quality, water quality, natural characteristics, and water resources;

(2) protect and manage vegetation to provide wildlife and fish habitat, consistent with paragraph (1);

(3) provide areas that may develop characteristics of old-growth forests; and

(4) provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(Pub. L. 103–314, § 2, Aug. 26, 1994, 108 Stat. 1703; Pub. L. 104–127, title IX, § 915, Apr. 4, 1996, 110 Stat. 1187.)

AMENDMENTS

1996—Pub. L. 104–127 substituted ''Mount Pleasant National Scenic Area'' for ''George Washington National Forest Mount Pleasant Scenic Area'' in introductory provisions.

SHORT TITLE

Pub. L. 103–314, § 1, Aug. 26, 1994, 108 Stat. 1703, as amended by Pub. L. 104–127, title IX, § 915, Apr. 4, 1996, 110 Stat. 1187, provided that: ''This Act [enacting sections 545 and 545a of this title] may be cited as the 'Mount Pleasant National Scenic Area Act'.''

[1] So in original. No subsec. (b) has been enacted.

# Glossary

# Glossary

The definitions listed below apply to both General Management Area and Special Management Area, unless otherwise noted.

**Accepted agricultural practice:** A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

**Accessible:** In compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.

**Accessory structure/building:** A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

**Accessory renewable energy system:** A system accessory to a primary structure or allowed use on the parcel that converts energy into a usable form such as electricity or heat and conveys that energy to the allowed structure or use. An Accessory Renewable Energy System is a solar thermal, photovoltaic, or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the primary use on the subject parcel.

**Active wildlife site:** A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

**Addition**: An extension or increase in the area or height of an existing building.

**Adversely affect or Adversely affecting:** A reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on—

1. the context of a proposed action;
2. the intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;

3. the relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts;
4. and proved mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

**Agency official:** The federal, state, or local agency head or designee who has authority over a proposed project.

**Agricultural building:** A building located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, and processing facilities.

**Agricultural specialist (SMA):** A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

**Agricultural structure:** A structure (not including buildings) located on a farm or ranch and used in the operation. These include, but are not limited to: wind machines (orchards), storage bins, fences, trellises, and irrigation systems.

**Agricultural use:** The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:

1. The operation or use of farmland subject to any agriculture-related government program.

2. Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.

3. Land planted in orchards or other perennials prior to maturity.

4. Land under buildings supporting accepted agricultural practices.

5. Agricultural use does not include livestock feedlots.

**Air:** The mixture of gases comprising the Earth's atmosphere.

**Anadromous fish:** Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

**Anaerobic:** A condition in which molecular oxygen is absent (or effectively so) from the environment.

**Aquaculture:** The cultivation, maintenance, and harvesting of aquatic species.

**Aquatic area:** The water area of a stream, pond, or lake measured at the ordinary high water mark.

**Archaeological resources:** See cultural resource.

**Archival research:** Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.

**Background:** One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Background is represented in the space from four miles to the horizon.

**Bed and breakfast inn:** An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as traveler accommodations, not as rooming or boarding houses.

**Best Management Practices (BMPs):** Conservation techniques and management measures that (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse effects to groundwater and surface-water flow and circulation patterns; and (3) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

**Biodiversity (SMA):** A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

**Boat landing:** Cleared area or developed structure used to facilitate launching or retrieving watercraft.

**Buffer zone:** An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.

**Building**: Any structure used or intended for supporting or sheltering any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

**Camping or recreational vehicle:** A vacation trailer, camper, self-propelled vehicle,

or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is (1) connected to a sewer system (including septic tank), water, and electrical lines, or (2) occupied on the same parcel for more than 60 days in any consecutive 12-month period.

**Campsite:** Single camping unit that usually consists of a cleared, level area for a tent, and may include a parking spur, fire ring, table, and other amenities.

**Capability:** The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.

**Canopy closure (SMA):** For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

**Cascadian architecture (SMA):** Architectural style using native rock work, large timber, and steeply pitched roofs in a rustic manner.

**Catastrophic situations (SMA):** Forces such as fire, insect and disease infestations, and earth movements.

**Childcare center:** A facility providing daycare to three or more children, but not including:

1. The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.

2. The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.

3. The provision of short-term care related to or associated with group athletic or social activities.

4. The provision of daycare in the provider's home in the family living quarters for less than 13 children.

**Columbia River Gorge National Scenic Area Graphic Signing System:** Sign design standards developed for the National Scenic Area for public signs in and adjacent to public road rights-of-way.

**Columbia River treaty tribes:** See definition for Indian tribes.

**Commercial event:** An organized gathering at an allowed commercial development. Such events include weddings, receptions, indoor concerts, and farm dinners, and are incidental and subordinate to the primary use on a parcel.

**Commercial development or use:** Any facility or use of land or water whose function

is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.

**Commercial forest products:** These include timber for lumber, pulp, and firewood for commercial purposes.

**Commercial recreation:** Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.

**Community facility:** Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities, public microwave stations and communication facilities, schools, roads and highways. This does not include sanitary landfills.

**Consulting parties (cultural resources):** Organizations or individuals who submit substantive written comments to a local government in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

**Contiguous land:** Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads. Contiguous land does not include parcels that meet only at a single point.

**Counties:** The six counties within the National Scenic Area: Hood River, Multnomah, and Wasco in Oregon; and Clark, Skamania, and Klickitat in Washington.

**Created opening (SMA):** A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

**Creation (wetlands):** A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).

**Cultivation:** Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.

**Cultural resource:** The objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. Cultural resources can be divided into four types: Archaeological Resources, Historic Buildings, Traditional Cultural Properties and Traditional Use Areas.

**Archaeological resources:** The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human manufactures items and the waste material from manufacture. Features are the human alterations in the landscape. Artifacts include arrowheads and the stone waste flakes from making them and historic cans, bottles, ceramics and wooden and metal objects left in dumps or scattered in the landscape. Features include human made pits in talus slopes, stacked rocks, rock walls, blazed and scarred trees, ditches, railroad grades, wagon roads, cabin foundations and other human modifications of the natural landscape.

- Historic buildings and structures. Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

  Traditional cultural properties. Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.

- Traditional Use Areas: Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group's culture.

**Culturally significant foods**. Natural resources used by Native Americans for subsistence, medicine and ceremony, including: water, fish, big game, roots, and berries.

**Culturally significant plants and wildlife:** native plant and animal species essential to the culture of a Native American group.

**Cumulative effects:** The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

**Cut:** An area where soil or earth is excavated or removed in conjunction with development activities.

**Dedicated site:** An area actively devoted to the current use and as delineated on the site plan.

**Deer and elk winter range:** Areas normally used, or capable of being used, by deer and elk from December through April.

**Destruction of wetlands:** Loss of the wetlands or any of its component parts,

including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.

**Developed recreation:** Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

**Developed road prism (SMA):** The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

**Development:** Any land division or new construction or modification of buildings, structures and roads, and any earth-moving activity, including, but not limited to, mining, dredging, filling, grading, paving, and excavation.

**Diameter at breast height (dbh):** The diameter of a tree as measured at breast height.

**Distance zone:** distance zones (see Background, Middleground, and Foreground) are used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Generally, the closer a development is to the area it is being viewed from, the more attention will need to be given to site placement, design features, and mitigations to ensure the development blends with the landscape

**Duplex:** A building containing two dwelling units and designed for occupancy by two families.

**Single-family dwelling:** A detached building containing one dwelling unit and designed for occupancy by one family only.

**Dwelling unit:** A single self-contained unit with basic facility needs for day-to-day living. Facility needs include, but are not limited to, a food preparation area or kitchen, bedrooms, and a full bathroom.

**Earth materials**: Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

**Effect on treaty rights:** To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakama tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.

**Emergency/disaster:** A sudden unexpected occurrence, either the result of human or

natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

**Emergency/disaster response:** Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

**Endemic:** Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.

**Enhancement (natural and scenic resources):** A human activity that increases or makes greater the value, desirability or attractiveness of one or more functions of an existing sensitive area. For riparian areas, such as wetlands, streams, and lakes, enhancement is generally limited to area that is degraded. Enhancing a sensitive natural resource area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

**Ephemeral streams (SMA):** streams that contain flowing water only during, and for a short duration after, precipitation events.

**Equitable recreation:** development and services that are equally accessible and available to all people regardless of income level, ethnicity, gender, ability, or age.

**Ethnography:** The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

**Existing industrial complex**: Areas including some existing industrial use and where readily visible remnants of past industrial activities exist. The complex includes buildings, including those abandoned or partially abandoned, paved areas, stockpiles, equipment storage areas, quarry areas, etc., and may include isolated patches of vegetation or rock outcroppings surrounded by areas described above. The complex does not extend to include areas where evidence of past activity is no longer readily evident in the landscape.

**Existing use or structure:** Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued.. "Legally established" means: (1) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure; (2) the use or structure was initially operated or constructed

according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and (3) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

**Exploration, development (extraction and excavation), and production of mineral resources:** Includes all or any part of the process of surface, underground, or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, onsite stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

**Fill:** The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.

**Finished grade:** The final elevation of the ground level of a property after construction is completed.

**Fire break:** A break in ground cover fuels, adjacent to and surrounding buildings.

**Footprint**: The area that falls directly beneath and shares the same perimeter as a structure.

**Forbs:** Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

**Foreground:** One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Foreground is represented in the space from zero (the viewer) up to one-half mile.

**Forest health (SMA):** A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

**Forest practice (SMA)**: Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are

considered agricultural uses.

**Forest practice (GMA):** Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act or the Washington Forest Practices Act.

**Forest products:** Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

**Forest Service:** The United States Department of Agriculture Forest Service – National Scenic Area Office.

**Forest stand structure (SMA)**: The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

**Forest use:** The growing, propagation, and harvesting of forest tree species and other forest products.

**Fruit and produce stand:** A venue on a property selling agricultural products primarily grown on the subject parcel. Fruit and produce stands are not a commercial use.

**Fully screened:** A description used when determining compliance with the scenic standards (visually subordinate and not visually evident), where a structure, development or use is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). See Scenic Resources Implementation Handbook for more information regarding screening for development in the National Scenic Area.

**Gorge Commission:** The Columbia River Gorge Commission.

**Grade (ground level):** The average elevation of the finished ground elevation as defined by the International Building Code.

**Grading:** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**Hazard tree (SMA):** A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

**Height of building:** The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

**Herbaceous:** A plant with no persistent woody stem above the ground, with characteristics of an herb.

**Herbs:** Non-woody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and non-woody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

**Historic buildings and structures:** See cultural resource.

**Historic survey:** Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

**Home Occupation:** A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.

**Horses, boarding of (GMA):** The stabling, feeding, and grooming, or the use of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization.

**Hydric soil:** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

**Immediate Foreground for scenic corridors**: A subset of one of the three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Immediate foreground is represented in the space from zero (the viewer) up to one-quarter mile. For scenic travel corridors in the GMA, immediate foreground also includes lands within one-quarter mile of the edge of pavement. In the SMAs, immediate foreground includes the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs (such as Crown Point or Multnomah Falls).

**In-lieu or treaty fishing access sites:** Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 79-14 and Public Law 100-581, Section 401. Additional in-lieu or treaty fishing access sites will be provided for.

**Tribal government:** The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs (Tribal Council), and the Confederated Tribes and Bands of the Yakama Nation (Tribal Council).

**Indian tribes:** The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Warm Springs, and the Confederated Tribes of the Umatilla Indian Reservation.

**Industrial uses:** Any use of land or water primarily involved in:

1. Assembly or manufacture of goods or products,

2. Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit,

3. Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service, or

4. Production of electric power for commercial purposes.

**Interpretive displays:** Signs and structures that provide for the convenience, education, and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.

**Key components:** The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

**Key viewing areas:** Those portions of identified important public roads, parks, or other vantage points within the National Scenic Area from which the public views National Scenic Area landscapes. Such portions include gathering points, rest areas, roads and trails that provide primary access to the area, parking lots, and associated recreation areas. Identified areas include:
Historic Columbia River Highway (including the Historic Columbia River Highway State Trail)
Crown Point
Highway I-84, including rest stops
Multnomah Falls
Washington State Route 14
Beacon Rock
Panorama Point Park
Cape Horn
Dog Mountain Trail
Cook-Underwood Road
Rowena Plateau and Nature Conservancy Viewpoint
Portland Women's Forum State Park
Bridal Veil State Park
Larch Mountain (including Sherrard Point)
Rooster Rock State Park
Bonneville Dam Visitor Centers
Columbia River
Washington State Route 141
Washington State Route 142
Oregon Highway 35
Sandy River

Pacific Crest Trail

For projects located in the SMAs only:

Old Highway 8 (previously known as Old Washington State Route 14 and County Road 1230)
Wyeth Bench Road (also known as Wyeth Road)
Larch Mountain Road

**Land division:** The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to, short subdivisions, partitions, and subdivisions.

**Landscape setting:** The combination of land use, and cultural features, landform pattern and features, vegetation and waterform that distinguish an area in appearance and character from other portions of the National Scenic Area.

**Livestock feedlot:** Stockyards and commercial livestock finishing yards for cattle, sheep, swine, and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

**Lot line adjustment**: Relocation of one or more common boundary lines between two contiguous parcels that does not create additional parcels.

**Maintenance**: Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure. Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights- of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

**Managerial Setting:** the on-site controls (signs, regulations, or other regimentation) and types of facilities recreationists could expect when visiting recreation sites.

**Middleground:** one of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Middleground is represented in the space between the foreground and the background. The area located from one-half mile up to four miles from the viewer.

**Mitigation:** The use of any or all of the following actions, in the following order of priority:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

5. Offsetting impacts by creating or enhancing affected resources.

6. Monitoring the result of mitigation actions and taking appropriate corrective actions.

**Mosaic (SMA):** The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

**Multifamily dwelling:** A dwelling constructed or modified into two or more dwelling units.

**National Scenic Area:** The Columbia River Gorge National Scenic Area.

**Native species:** Species that naturally inhabit an area.

**Natural grade:** The undisturbed elevation of the ground level of a property before any excavation or construction operations.

**Natural resources (GMA & SMA):** Wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and natural areas.

**Natural resource specialist:** A person with professional qualifications, including an academic degree or sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

**Natural resource-based recreation (SMA):** Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the National Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.

**Nonprofit organization:** An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.

**Not visually evident (SMA):** One of the two scenic standards applicable within the National Scenic Area. A description of the relative visibility of a development, structure or use that provides for developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, texture and pattern common to the natural landscape setting so completely and at such scale, proportion intensity, direction, pattern, etc., that it not

be noticeable.

**Old growth (SMA)**: A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

**Operational (SMA)**: For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

**Ordinary high water mark:** The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

**Other related major structure (SMA)**: A structure related to a dwelling on a parcel in an SMA that is less than 40 acres in size, which is not incidental and subordinate to the main use of the property. A building or structure that satisfies the definition of "accessory building" is not an "other related major structure" or a "major development action."

**Overnight accommodations (GMA):** The rental of one or more rooms located in legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

**Overstory (SMA)**: For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

**Parcel:**

1. Any unit of land legally created by a short division, partition, or subdivision that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.

2. Any unit of land legally created and separately described by deed, sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

3. A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the Forest Service prior to the Final Interim Guidelines.

4. A unit of land shall not be considered a separate parcel simply because the subject tract of land:

   A. Is a unit of land solely created to establish a separate tax account;

   B. Lies in different counties;

   C. Lies in different sections or government lots;

   D. Lies in different land use or zoning designations; or

   E. Is dissected by a public or private road.

**Physical Settings:** the physical quality of the landscape at a recreation site, and how rustic recreation facilities may appear. Physical setting is distinct and not to be confused with landscape settings and landscape setting character descriptions.

**Practicable:** Able to be done, considering technology and cost.

**Preexisting:** Existing prior to the adoption of the first Columbia River Gorge National Scenic Area Management Plan on October 15, 1991.

**Previously disturbed:** An area of land where the natural surface has been graded, excavated, paved or graveled.

**Priority Habitat:** Areas that provide habitat for sensitive wildlife determined by Forest Service, Oregon Department of Fish & Wildlife, or Washington Department of Fish & Wildlife.

**Project area:** The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

**Public dock:** A dock constructed, maintained and operated by a federal, state, local, or tribal government entity to provide public access to a water body.

**Public use facility:** Recreation development(s) that meet the definition of "recreation facility" in the Management Plan and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

**Rare plant species:** Various categories of plants and plant communities cited in federal and state programs. Rare plants and rare plant ecosystems are:

1. Endemic to the Columbia River Gorge and vicinity (see Table 2),

2. Listed as endangered or threatened pursuant to federal or state endangered species acts, or

3. Designated global or state status rank 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

In the SMAs, rare plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

**Rare wildlife species**: Wildlife species that are;

1. Listed as endangered or threatened pursuant to federal or state endangered species acts,

2. Listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,

3. Listed as sensitive by the Oregon Fish and Wildlife Commission, or

4. Considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

In the SMAs, rare wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

**Recreation facility:** A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and that are not separated in distance by more than 1/4 mile of land that does not contain any such recreational developments or improvements, except for roads and/or pathways.

**Recreation resort**: A master-planned development focused on accessing a range of resource-based recreational opportunities, consisting of predominately short-term visitor accommodations and supporting commercial uses.

**Reconnaissance survey:** Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

**Recreation opportunity spectrum (ROS):** A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

- Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.

- Semiprimitive: Areas accessible only by primitive transportation routes, with

low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.

- Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

- Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.

- Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.

**Recreation resources:** Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

**Recreation Setting:** the tool for managing recreation development and opportunities based on the sites social, physical, and managerial setting

**Reflective surface:** providing a reflection; capable of reflecting light or other radiation.

**Regularly maintained:** An area of land that has been previously disturbed and where periodic actions have been taken to (1) keep the area clear of vegetation (e.g., shoulders, utility yards), (2) limit the height and type of vegetation (e.g., utility rights-of-way), or (3) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

**Rehabilitation (natural resources):** A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or preconstruction condition.

**Remnant old forest (SMA)**: Large trees in the overstory that are well into the mature growth state (older than 180 years).

**Repair**: Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Repair includes, but is not limited to, reroofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

**Resort core:** The portion of a recreation resort formerly occupied by the existing industrial complex.

**Resource-based recreation:** Those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the National Scenic Area and that do not adversely affect those resources upon which they depend.

**Restoration (wetlands):** A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

**Review uses:** Proposed uses and developments that must be reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they comply with the policies and guidelines in the Management Plan.

**Riparian area:** The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

**Road:** The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

1. Ways described as streets, highways, throughways, or alleys.

2. Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.

3. Structures that provide for continuity of the right-of-way, such as bridges.

**Scenery Management System:** The overall framework for the orderly inventory, analysis, and management of scenery developed in coordination with the Forest Service.

**Scenic travel corridor:** Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the National Scenic Area and specifically designated to be managed as scenic and recreational travel routes.

**Secretary:** The U.S. Secretary of Agriculture.

**Service station:** A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

**Serviceable:** Presently useable.

**Shall:** Action is mandatory.

**Should:** Action is encouraged.

**Shrub:** A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

**Sign:** Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.

**Significant cultural resource (SMA):** A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation" [36 CFR 60].)

**Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.

**Social Settings:** identifies the opportunities for solitude as well as quantity and type of encounters visitors could experience when visiting a recreation site or area.

**Soil capability class:** A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.

**Special habitat area:** Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

**Special streams:** Streams that are primary water supplies for fish hatcheries and rearing ponds.

**Stand:** A group of trees possessing uniformity in regard to type, age, vigor, or size.

**Story:** A single floor level of a structure, as defined by the International Building Code.

**Streams:** Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent or ephemeral streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally (ephemeral), during years of normal precipitation.

**Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, patios, driveways, and additions/alterations to structures, including repaving or resurfacing roads, driveways, and patios.

**Submit:** To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

**Subsurface testing:** Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.

**Suitability:** The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; whether the land is committed to another land use that does not allow for agricultural use; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

**Thinning (SMA)**: A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

**Topographic Visibility:** Refers to areas that can be seen (generally from a key viewing area, for the purpose of the Management Plan) if all vegetation were to be removed.

**Total canopy closure (SMA):** For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

**Traditional foods:** natural and cultural resources that Native Americans rely on for sustenance, based on history, culture and tradition.

**Trail Characteristics:** tools to describe the types of trail conditions that recreationists should expect when visiting a recreation resource.

**Treatment (SMA):** For forest practices, a site-specific operation that carries out the forest management objectives for an area.

**Treaty rights or other rights:** Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

**Tributary fish habitat:** Streams that are used by anadromous or resident fish for spawning, rearing or migration.

**Unobtrusive**: when a structure does not intrude or visually dominate the scene of a landscape and for which the introduced forms, lines, colors, textures, and patterns mimic the native environment.

**Understory (SMA)**: For forest practices, the shorter or immature trees below the tall or mature overstory trees.

**Undertaking:** Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.16(y)].

**Unimproved lands:** Lands that generally do not have developments such as buildings or structures.

**Upland:** Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, or hydrologic characteristics associated with wetlands.

**Uses allowed outright:** New uses and developments that may occur without being reviewed by a county planning department, the Gorge Commission, or the Forest

Service to determine if they are consistent with the Management Plan.

**Utility facility:** Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

**Vested right:** The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to this Management Plan.

**Viewshed:** A landscape unit visible from a key viewing area.

**Visually subordinate:** One of the two scenic standards applicable in the National Scenic Area. A description of the relative visibility of a development, structure or use where that development, structure or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan), and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

**Water-dependent:** Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

**Water-related:** Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

**Wetlands:** Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.

**Wetlands functions:** The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and non-game birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

**Winery or cidery**: An agricultural facility used for processing fruit into wine or cider, including laboratories, processing areas, offices, and storage areas. A winery or cidery is distinct from a wine or cider sales and tasting room; each of these uses must be explicitly reviewed and approved.

**Wine or cider sales and tasting room**: A facility that is accessory to a winery or cidery and used for tasting and retail sales of wine or cider, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine or cider sales and tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events, unless allowed, reviewed and approved under the “Commercial Events” provisions in Part II, Chapter 7: General Policies and Guidelines of this Management Plan. A wine or cider sales and tasting room is distinct from a winery or cidery; each of these uses must be explicitly reviewed and approved.

**Woody plant:** A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

# Index

# Index

**This document will be updated following adoption of the Plan.**

**Agricultural buildings**: II-7-46

**Agricultural land**: Part II, Chapter 1
enhancement strategies: III-3-9 to 10
monitoring program: IV-2-9
setback guidelines: II-1-13 to 14

**Agriculture-Special** (land use designation): I-1-15 to 20

**Appeals**: IV-1-4, IV-1-4 to 5

**Archaeological resources**: I-2-1 (definition). *See* Cultural resources.

**Balch Lake Wetlands Area** (open space designation): II-3-8

**Bed and breakfast inns**: II-1-13, II-1-25, II-2-12, II-4-8, II-4-11, II-5-2, II-5-6, II-5-8, II-7-49

**Boathouses**: *See* Docks and boathouses.

**Boundaries**
Main stem of Columbia River: I-3-3
Maps: 11 (description), 15
Revision of Scenic Area boundaries: IV-1-6
Revision of SMA boundaries: II-3-3, IV-2-6
Revision of Urban Area boundaries: III-2-3, IV-1-5 to 6
Wetlands: I-3-9

**Broughton Mill area**: I-1-24 to 26

**Buffers**: 5, I-1-8, I-1-32, I-1-40, IV-2-11
Cultural resource: I-2-6, I-2-10, I-2-12, I-2-17
Natural resource: I-3-2, I-3-4, I-3-8 to 9 (wetlands); I-3-16 to 17 (streams, ponds, lakes); I-3-19 to 20, I-3-23 (wildlife); I-3-26 to 28 (sensitive plants); I-3-30 to 40 (SMA)
Recreation resource: I-4-4, II-7-61

**Chenoweth Table Natural Area** (open space designation): II-3-7

**Childcare centers**: II-4-8, II-5-6

**Civil penalties**: IV-1-4 to 5

**Cluster development**: *see* Land divisions and cluster development

**Columbia River bridge replacement**: II-7-64 to 65

**Columbia River Gorge Commission**
role and procedures: Part IV, Chapter I; 2, III-2-3
vision statement: 3

**Columbia River Gorge National Scenic Area**: 1-3 (overview), 15 (map)

**Columbia River Gorge National Scenic Area Act**: 2-3, 8, appendix

**Columbia River Gorge National Scenic Area graphic signing system**: I-1-34, II-7-61, II-7-62, II-7-63, III-3-4

**Commercial events**: II-1-11, II-2-11, II-4-7, II-5-7, II-5-9, II-6-4, II-6-8, II-7-54 to 56, III-2-2

**Commercial land**: Part II, Chapter 5; 5 to 6; III-2-2

**Commercial recreation**: *see* Recreation designations

**Conference center**: *see* Skamania Lodge Center

**Coniferous woodland** (landscape setting): I-1-16 to 17, I-1-37

**Consolidation of lots**: II-7-9 to 10

**Corbett**: *see* Rural center

**Cottage industries**: *see* Home occupations and cottage industries

**Counties**
effects of land acquisition on finances: IV-2-5
identification of: 2
implementation of Management Plan: 8, 13, IV-1-2 to 4, IV-1-6 to 7, IV-1-8, IV-2-6 to 7, IV-2-9

**Cultural resources**: Part I, Chapter 2; 5 to 6, 13 to 14, I-1-10, I-1-36, II-7-24, II-7-33 to 36
enhancement strategies: III-3-4 to 5
monitoring program: IV-2-8

**Deer and elk winter range**: I-3-19, I-3-24 to 25, I-3-38, II-7-24, II-7-39

**Developed settings**: I-1-29

**Discontinued uses**: II-7-4, II-7-9

**Disposal sites for spoil materials from public road maintenance activities**: I-1-13, II-1-26, II-2-12, II-2-21, II-7-53 to 54

**Docks and Boathouses**: II-7-47 to 48

**Economic development**: Part III, Chapter 2; II-2-17, II-5-1, II-5-3, III-3-8 to 9, IV-1-9
economic opportunity study: 8 to 9
grants and loans: II-2-2, III-2-3, III-3-8, IV-2-2

**Education**: *see* Interpretation/education

**Emergency/Disaster response actions**: II-7-26 to 41

**Emergency services**: III-3-10

**Endangered, threatened, and sensitive wildlife species**: I-3-1, I-3-18 to 25, I-3-31, I-3-32, I-3-36 to 40, II-3-4

**Enhancement strategies**: Part III, Chapter 3; 5, IV-2-7, IV-2-9

**Existing uses**: II-7-4 to 9

**Expedited development review process**: II-1-7, II-1-17, II-1-22, II-2-6, II-2-18, II-3-5, II-3-11, II-4-6, II-4-10, II-5-5, II-6-2, II-6-6, II-6-11, II-7-20 to 26

**Expiration of approvals**: II-7-3 to 4

**Fire protection**: II-2-6, II-2-7, II-2-8, II-2-9, II-2-10, II-2-12 to 13, II-2-14, II-2-15, II-2-17, II-4-5, II-4-6, II-4-9, II-4-11, IV-2-9

**Fish processing operations**: *See* Small-scale fishing support and fish processing operations.

**Forest land**: Part II, Chapter 2; 4 to 5
enhancement strategies: III-3-8 to 9
monitoring program: IV-2-9

**Forest practices**: II-2-16, II-2-17, II-2-22 to 27
cultural resources policy: I-2-22

**Forest Service, USDA**
role and procedures: Part IV, Chapter 2; 2 to 3

**General Management Area** (overview): 2, 4 to 5

**General policies and guidelines**: Part II, Chapter 7

**Geographic information system (GIS)**: IV-2-2

**Gorge Discovery Center**: 4, 6, I-1-3, I-4-9, I-4-12, III-4-2, IV-2-10

**Gorge walls and canyonlands** (open space designation): II-3-6

**Gorge walls, canyons, and wildlands** (landscape setting): I-1-28 to 29, I-1-38, III-3-3

**Grading plan**: I-1-6, I-1-11 to 12, II-7-58, II-7-60

**Graphic signing system**: *see* Columbia River Gorge National Scenic Area graphic signing system

**Grassland** (landscape setting): I-1-19 to 21

**Hardship dwelling**: *see* Temporary use--hardship dwelling

**Historic buildings and structures**: I-2-1 (definition). *See* Cultural resources; Special uses in historic buildings.

**Historic Columbia River Highway**: 6, I-1-29 to 33, I-1-36, I-4-5, II-7-12, II-7-13, II-7-14 to 15, II-7-16, II-7-17, II-7-19, III-1-1, III-1-6, III-3-3, III-3-7, IV-1-9

**Home occupations and cottage industries**: 5, II-1-12, II-1-24, II-2-11, II-2-20, II-4-8, II-4-11, II-5-4, II-5-6, II-5-8, II-6-11, II-7-48 to 49, II-7-63, III-2-2

**I-84 Corridor Strategy**: I-1-31, II-7-12, II-7-13, II-7-15, II-7-16, II-7-17, II-7-19, III-3-3

**Indian tribes**: Part IV, Chapter 3; 5, I-4-7 to 9, II-7-2, III-3-4 to 5, III-4-2, IV-1-8, IV-2-8
and cultural resources: Part I, Chapter 2

**Industrial development**: II-7-8, II-7-56

**Interpretation/education**: Part III, Chapter 4; I-4-9 to 10, I-4-24, II-3-10, III-1-6, III-3-4, III-3-7, III-3-8, III-3-9. *See also* Gorge Discovery Center

**Interpretive center**: *see* Gorge Discovery Center

**Inventories and studies**: 8 to 9, 13, 16 (Table 1), II-7-58, IV-1-4, IV-2-8
*Columbia River Gorge National Scenic Area Corridor Visual Inventory*: I-1-33, III-3-3

**Key viewing areas**: 5, 13, I-1-5 to 14, II-7-12, II-7-23, II-7-31

**Klickitat River Wildlife and Natural Area** (open space designation): II-3-7 to 8

**Land acquisition/adjustment**: 3, 5, II-3-4, III-3-1, IV-2-2 to 5, IV-2-10

**Land divisions and cluster development**: 12, II-1-7, II-1-11, II-1-18, II-2-5, II-2-10, II-3-5, II-4-5, II-4-6 to 7, II-5-4, II-5-7, II-6-4, II-6-9, II-7-41 to 42

**Land use designations**: 9, 12. *See* Part II, Chapters 1 through 6 for specific designations.

**Landscape settings**: 9, 13, I-1-2, I-1-3, I-1-5, I-1-6, I-1-8, I-1-9, I-1-14 to 29, I-1-37 to 40

**Latourell residential area**: II-4-10 to 12

**Life estates**: II-1-11, II-1-15, II-2-10, II-2-14

**Lot line adjustments**: II-1-11, II-1-18, II-2-10, II-3-6, II-4-7, II-5-7, II-5-8, II-6-4, II-6-9, II-7-21, II-7-43 to 46

**Management Plan for the Columbia River Gorge National Scenic Area**
amendment: 10, IV-1-1, IV-1-8, IV-2-1
development: 8 to 10
monitoring implementation: IV-1-2 to 4, IV-2-6 to 11
organization: 10 to 11
overview: 2
revision: 11, IV-1-8, IV-2-1
use: 11 to 14

**Maps**
description of: 11
use of: 12 to 13
vicinity: 15

**Mineral resources**: I-1-3, I-1-4, I-1-5, I-1-6, I-1-10, I-1-12 to 14, I-1-31, I-1-32, I-1-33, II-1-12, II-1-19, II-1-25, II-2-11, II-2-18, II-7-8 to 9

**Mosely Lakes Natural Area** (open space designation): II-3-6

**Mouth of Wind River Wildlife Area** (open space designation): II-3-8 to 9

**National Forest System lands**: I-2-22, IV-2-11 to 12

**Natural areas**: 13, 16, I-3-2, I-3-48 to 49 (Table 4), II-1-2, II-1-15 to 19, II-3-4. *See* Agriculture-Special.
research natural areas: III-3-7

**Natural resources**: Part I, Chapter 3; 4, 5, 13 to 14, II-7-24 to 25, II-7-36 to 37
enhancement strategies: III-3-6 to 7, IV-2-9
monitoring program: IV-2-8 to 9

**Oak-pine woodland** (landscape setting): I-1-18 to 19, I-1-37, I-1-38, I-3-39, III-3-6

**Open space**: Part II, Chapter 3; I-3-1 to 2, II-1-16, IV-2-9

**Oregon Natural Heritage Program**: I-3-25, I-3-26, I-3-27, I-3-28, I-3-31, I-3-32, I-3-37, II-1-15 to 16, II-1-18, II-1-19, II-3-2, II-3-7

**Oregon Trail**: III-3-5

**Pastoral** (landscape setting): I-1-15 to 16, I-1-37, I-1-38

**Plants, rare and sensitive**: 5, 13, I-3-1 to 2, I-3-25 to 29, I-3-31 to 32, I-3-36 to 44, I-3-47 (Table 3), I-3-48 to 49 (Table 4)

**Ports**: III-2-3

**Public involvement**: 9 to 10, IV-1-2, IV-1-7 to 9

**Range conservation plans**: II-1-18, II-1-19 to 20

**Rare plants**: *See* Plants, rare and sensitive.

**Recreation designations**: Part II, Chapter 6
commercial recreation: II-6-5 to 9, II-7-63, III-2-2
public recreation: II-6-1 to 5, II-6-10 to 12, II-7-63

**Recreation development plan**: Part III, Chapter 1; I-4-3
funding for facilities: III-1-1, III-1-3 to 4, IV-2-2, IV-2-10
inventories: III-1-2

**Recreation Development Proposals list**: I-4-3, I-4-7, III-1-1 to 3, IV-2-5

**Recreation intensity classes**: 9, 14, I-4-7, I-4-13, I-4-14 to 23, I-4-24, I-4-25, I-4-26 to 28

**Recreation opportunity spectrum**: I-4-24

**Recreation resources**: Part I, Chapter 4; 4 to 6, 12 to 14, II-7-24, II-7-40
coordination: I-4-13 to 14, I-4-24, III-1-6, III-3-8
enhancement strategies: III-3-7 to 8
inventories: 8 to 9
monitoring program: IV-2-10

**Research natural areas**: III-3-7

**Residential** (landscape setting): I-1-23 to 24, I-1-37, I-1-38

**Residential land**: Part II, Chapter 4; 5

**Resource-based recreation**: 6, I-4-6 to 7

**Resource enhancement projects**: II-1-9 to 10, II-1-18, II-1-25, II-2-8, II-2-18, II-3-5, II-3-12, II-4-7, II-4-11 to 12, II-5-7, II-5-8, II-6-4, II-6-8, II-6-12, II-7-52 to 53

**Review uses**: 12 to 13, II-7-58 to 61. *See* Part II, Chapters 1 through 6 for specific review uses.

**Riparian areas**: *see* Streams, ponds, lakes, and riparian areas

**River access**: 4 to 5, I-1-2, I-1-14, I-4-2, I-4-7 to 9, II-6-2, II-6-5, III-3-8

**River bottomlands** (landscape setting): I-1-26 to 27, I-1-37, I-1-38

**Rowena Dell residential area**: II-4-10 to 12

**Rural centers** (Corbett and Skamania): I-1-14, I-1-24 to 26, II-5-1, II-5-2, II-5-3 to 7, III-2-2

**Rural residential** (landscape setting): I-1-21 to 22

**Rural residential/coniferous woodland** (landscape setting): I-1-22 to 23

**Rural residential/oak-pine woodland** (landscape setting): I-1-22 to 23

**Rural residential/pastoral** (landscape setting): I-1-22 to 23

**Savings policies**: II-7-2 to 3, IV-3-5

**Scenic appreciation**: I-4-5 to 6, II-6-2

**Scenic Area**: *see* Columbia River Gorge National Scenic Area

**Scenic Area Act**: *see* Columbia River Gorge National Scenic Area Act

**Scenic resources**: Part I, Chapter 1; 4, 13 to 14, II-7-23, II-7-31 to 33
enhancement strategies: III-3-2 to 4, IV-2-7
inventories: 16 (Table 1)
monitoring program: IV-2-7

**Scenic Resources Implementation Handbook**: I-1-7, I-1-9, I-1-10, I-1-36, I-1-40, I-1-41, I-1-43, II-7-7

**Scenic travel corridors**: 5, 13, I-1-2, I-1-29 to 33, I-4-5 to 6, II-3-4, III-3-3 to 4

**Scenic Travel Corridor Implementation Task Force**: I-1-31 to 32

**Setbacks**: I-1-11, I-1-32, II-1-14. *See* Buffers.

**Sewer and water services**: II-7-47

**Signs**: I-1-34 to 35, I-4-16, I-4-17, I-4-18, I-4-20, I-4-27, II-7-15 to 16, II-7-19 to 20, II-7-21, II-7-23, II-7-61 to 63, III-3-2, III-3-4, III-4-2

**Site plan guidelines**: I-1-3 to 4, I-1-10, I-1-11 to 12, I-1-13, I-3-5, I-3-13, I-3-21, I-3-26 to 27, I-3-32, I-3-37 to 39, II-2-16, II-2-22 to 23, II-7-58 to 60, III-1-4, IV-3-2 to 3

**Skamania**: *see* Rural center

**Skamania Lodge Center**: 4, 6, I-4-9, III-4-2, IV-2-10

**Small-scale fishing support and fish processing operations**: II-1-13, II-2-12, II-4-9, II-7-50 to 51

**Soil productivity**: I-3-40 to 41, III-3-6

**Special Management Area** (overview): 2, 5

**Special uses in historic buildings**: I-2-8, II-1-11, II-2-11, II-4-7, II-5-7, II-5-9, II-6-3, II-6-7, II-7-54 to 55, II-7-65 to 71

**Squally Point Natural Area** (open space designation): II-3-7

**SR 14 Corridor Strategy**: I-1-31, I-1-41, II-7-12, II-7-13, II-7-15, II-7-16, II-7-17, II-7-19, III-3-3

**Standards for applications**: II-7-3, II-7-58 to 61

**State Park Recreation Areas** (open space designation): II-3-9

**Streams, ponds, lakes, and riparian areas**: 5, 13, I-3-11 to 18, I-3-30 to 31, I-3-33 to 36, III-3-7, IV-2-9

**Temporary use--hardship dwelling**: II-1-8, II-1-26, II-2-9, II-2-20, II-4-6, II-4-12, II-5-6, II-6-12, II-7-46 to 47

**Traditional cultural properties**: I-2-1 (definition). *See* Cultural resources.

**Trails and pathways**: I-4-10 to 12

**Transportation**: 6, I-4-12 to 13, II-7-12, III-3-8

**Urban areas**: 2 to 3, 4, I-4-1, II-5-1, III-1-1 to 3, IV-1-5 to 6

**Uniform application of Management Plan**: II-7-10

**Uses allowed outright**: 12, II-1-7, II-1-17, II-1-22, II-2-6, II-2-17, II-3-5, II-3-11, II-4-5, II-4-10, II-5-5, II-6-2, II-6-6, II-6 10, II-7-11 to 20

**Variances from setbacks and buffers**: I-4-22 to 23, I-4-25 to 26, II-1-14, II-2-14, II-7-56 to 57

**Vegetation Advisory Committee**: III-3-2

**Vegetation control**: II-7-57, III-3-2, III-3-3, III-3-7

**Vested rights**: II-7-3 to 4

**Village** (landscape setting): I-1-24 to 26

**Visual quality objective (VQO) system**: I-1-36, IV-2-11 to 12

**Washington Natural Heritage Program**: I-3-25, I-3-26, I-3-27, I-3-28, I-3-31, I-3-32, I-3-37, II-1-15, II-1-16, II-1-18, II-1-19, III-3-6, III-3-7, III-3-8

**Wetlands**: 6, 13, I-3-1 to 2, I-3-3 to 11, I-3-30 to 31, I-3-33 to 36, II-3-1, II-3-4, II-3-10, III-3-7, IV-2-9

**Wildlife habitat and species**: 5 to 6, 13, I-3-1 to 2, I-3-18 to 25, I-3-31 to 32, I-3-36 to 45, I-3-46 (Table 2), II-3-1, II-3-4 to 5, II-3-10, III-3-6