

June 30, 2020

**VIA EMAIL**

Columbia River Gorge Commission  
c/o connie.acker@gorgecommission.org

**Re: Port of The Dalles – Comments on the Proposed Revisions to the Columbia River Gorge Management Plan (Redline Draft dated June 1, 2020)**

Dear Chair Liberty and Commissioners:

On behalf of the Port of The Dalles (“Port”), we are providing comments on the proposed revision to the Management Plan for the Columbia River Gorge National Scenic Area (“Management Plan”) presented for formal public comment on June 1, 2020, in redline and posted to the Columbia River Gorge Commission’s website (“June Redline”). This letter provides the Port’s comments on the June Redline and incorporates by reference the Port’s comments previously provided into the record of the Gorge 2020 proceeding along with the joint comments letters filed by the Port, City of The Dalles (“City”), Wasco County (“County”), the Mid-Columbia Economic Development District (“MCEDD”), and others.

**The Important Role of Ports in the Gorge and Part III, Chapter [3] Economic Development**

The Port was established in 1933. It has operated over 87 years, creating jobs and recruiting businesses through land development and sales, property acquisition, and project development. ORS 777.065 has declared development and improvement of port facilities suitable for use in world maritime trade at the Port of The Dalles (along with Umatilla, Morrow, Arlington, Hood River, and Cascade Locks) as a state economic goal of high priority. The legislature further directed all agencies to “assist in promptly achieving the creation of such facilities by processing applications for necessary permits in an expeditious manner and by assisting the ports involved with available financial assistance or services when necessary.” The Port has broad powers to promote the commercial interests of the Port including acquiring and developing land for industrial or research and development park, including the development for the provision of water, sewage, drainage, roads, transportation, power, communication and other facilities which are incidental to the development of the site. ORS 777.258; 777.250(2). Ports, like the Port of The Dalles, are unique municipal corporations serving a large role in a region’s economic development given their broad authorities to carry out development activities, borrow money, issue bonds, and levy taxes. ORS 777.410; 777.430.

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On April 28, 2020, the Port provided comments on an earlier redline of the Economic Development Chapter in the form of a letter and recommended redline revisions. The June Redline does not go far enough to address the Port's earlier comments. The Port proposes the following revisions to the Chapter 3 of the June Redline:

Introduction:

The Act does not require that economic activities, particularly in the urban areas, be “harmonized” with protection of the SNCRs. There is no evidence in the record documenting direct and indirect effects from climate change on the Gorge’s economic sectors; therefore, the Port suggests the revised language.

*Bold = Port’s proposed language; Bold Strikeout = deleted language*

Gorge are interdependent. The goals and policies in this chapter support the vision of a thriving economy within the Gorge supporting diverse business opportunities that operates in harmony with the National Scenic Area’s qualities, values, and resources, especially with the Gorge’s principal ~~the Gorge’s principal~~ economic sectors, such as agriculture, forestry, high tech, health care, manufacturing and processing, and tourism. ~~while allowing new commercial uses on lands designated Rural Center, Commercial, and Commercial Recreation.~~ 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 recognizes that climate change may affect many of the region’s current economic sectors and supports economic development that contributes to reducing climate change impacts.

### Policy 9

The Port requests that the Commission add back the two bullets deleted from the Policy 9 language. The bullets recognized the important role of ports in the Gorge and are needed to carry out the legislative directive contained in ORS 777.065.

9. The Gorge Commission ~~shall~~ 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. ~~by:~~

- ~~— Assigning priority for revisions to Urban Area boundaries to those requests involving port properties or projects.~~
- ~~— Relying upon existing state and federal wetlands regulations on the Columbia River and exempting urban waterfronts from wetland and riparian area guidelines in the Management Plan.~~

### Policy 6

The Port opposes the proposed revisions to the Land Use Designations that eliminate rights landowners otherwise enjoy under state law as the proposed changes are inconsistent with the Act and exceed the Commission's authority. Commercial activities on rural resource lands can be carried out consistently with the SNRCs. An all-out ban on such activities is overreaching. The Act requires that commercial and residential development outside urban areas take place without adversely affecting the SNRCs. See Act, § 544d(d)(7) and (8). Such activities are permissible under the Act as long as conducted in a manner that does not result in adverse impacts to SNRCs.

### Introduction

The revisions in the Introduction of the June Redline attempt to remove any recognition of the economic purpose of the Act along with the Congressional intent acknowledging the importance of the economic purpose of the Act and the need to balance the dual purposes of the Act.

Before making its suggested revisions to the Introduction, the Port points commissioners to Mike Salsgiver's presentation entitled "History of the National Scenic Area" that he delivered at the November 12, 2019 Commission meeting (Attachment 1). This presentation highlights the recognition by the Act's drafters that the National Scenic Area ("NSA") was intended to be something different, unlike a wilderness area, national park, a wild and scenic river segment, a national recreation area, or other similar designation. There was a recognition that the Gorge was home to people for centuries and Senator Hatfield resisted efforts the NSA to be managed

like a wilderness area or a park and pushed for the NSA to be managed by the U.S. Forest Service given its role in managing natural resources with “multiple yet integrated uses and interests in mind.” The creation of the NSA was not to be a “lock-up of the Gorge.” See Attachment 1, p 2-3. The Commission’s proposed revisions lean towards managing the NSA for the recreational user and natural resource conservation. That was not the intended purpose of the NSA: otherwise, Congress would have been designated it a park or wilderness area. The Port encourages the Commission to keep this in mind when reviewing comments and working to balance the dual purposes of the Act.

With this framework, the Port provides the following recommended revisions:

- Do not delete Senator Hatfield’s quote on p 10-11.
- The redline language in column 2, paragraph 2 of page 11 interprets the Act and makes a conclusive statement about the Act’s intent to treat the two-state, six-county area as a “single” region. The plan should rely on what Congress did, not how the Commission interprets the Act. Keep original language, delete redline.

~~To achieve the purposes of the Scenic Area Act, Congress called for preparation of The Act requires a Management Plan that would treat~~ 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 regional bi-state commission representing local, state, and national interests. The six Gorge counties were authorized to implement the Management Plan through ~~their~~ land use ordinances that are consistent with the Management Plan.

- The redline language in column 2, paragraph 4 on page 11 eliminates the statement about Congress and how it designated the 13 urban areas. The Port maintains that it is important to acknowledge that Congress designated the urban areas, not the Commission. Keep the original language, delete redline.

~~Congress designated 13 cities and towns as Urban Areas~~  
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 ~~on the~~ in Washington ~~side of the river~~ and Cascade Locks, Hood River, Mosier, and The Dalles ~~on the in~~ Oregon ~~side~~. The Urban Areas are exempt from the Management Plan, but are eligible to receive federal funds authorized to implement it. The Act requires that the Urban Areas will bear the primary focus for future growth and economic

- The redline language in column 1, paragraph 1 on page 12 interprets the Act and states that the Act requires that the urban areas are the primary focus for future growth and economic development. This revision is inconsistent with the plain language of §544a(2) which says “encouraging growth to occur.” Keep the original language, delete redline.

Management Plan, but are eligible to receive federal funds authorized to

implement it. The Act requires that the Urban Areas will bear the primary focus for future growth and economic development.

- The redline language in column 1, paragraph 3 on page 12 again interprets the Act and states that the Act “specifies stringent standards” for the SMA. The Act does not specify specific standards for the SMA as implied by the language. Keep original language, delete redline except keep “resources” at the end of the sentence.

~~In some instances, the Act specifies stringent standards for the SMA lands be managed more stringently than those in the GMA. For instance, including prohibiting land divisions are prohibited, and new homes are not allowed on parcels less than 40 acres in size, and Forest practices are also regulated for to avoid adverse effects to scenic, cultural, natural, and recreation concerns resources.~~

- The redline language in columns 1-2, paragraph 4 of page 12 characterizes the nine standards in §544(d) of the Act that must be included in the Management Plan and land use ordinances adopted pursuant to the Act. The standards are clear and directive to the Commission. The Port recommends revised language (bold/strikeout) to accurately reflect the language in §544(d) and Congress' directive to the Commission.

*Bold = Port's proposed language; Bold Strikeout = deleted language*

About half of the National Scenic Area ~~makes up is comprised of~~ the GMA, including the Columbia River. The Gorge Commission is authorized to plan for the GMA. These lands ~~blanket most of the eastern Gorge and are scattered in the central and west end of the Gorge. They~~ are predominantly devoted to agricultural and forestry uses, but also contain scattered areas of existing residential development. The Act specifies nine broadly worded standards that the Commission must include in the Management Plan and land use ordinances adopted pursuant to the Act for the GMA and the Gorge Commission has discretion to determine how to meet those standards.

- The redline language in column 1, paragraph 1 on page 13 eliminates the reference to Congress' vision for the NSA and replaces it with the Commission's vision. This change is reflective of the Commission's repeated attempts to expressly declare its authority and

dominant role under the Act, minimizing the role of counties and cities over private land management. The Commission’s proposed revisions undermine the collective nature that the Act intended for land management. Keep the original language, delete redline; keep “Tribal” for “Indian tribal.”

The Management Plan for the National Scenic Area is based upon a vision created by Congress's direction, the Gorge Commission's vision and experience with managing private land, the U.S. Forest Service's expertise with managing large landscapes, county and city governments local knowledge, state and federal agencies, ~~Indian tribal~~ Tribal governments, concerned citizens, and interest groups. This collective vision provides a sense about the future of the Gorge ~~20, 50, or 100 years from now~~. It supplies the adhesive that binds the plan.

- The redline language in column 1, paragraph 3 and 4 on page 13 inserts “SMA” when describing how Congress intended to treat the Urban Areas differently and eliminate reference to commercial, residential, and industrial development within Urban Areas. Paragraph 3, with Paragraph 2 above it, address the balancing of the purposes that the Act requires. The Commission’s redline reflects the Commission’s repeated attempts to remove language supporting the economic purpose of the Act. Keep original language, delete redline.

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. ~~Significant commercial, residential, and industrial development is encouraged in Urban Areas.~~

Urban Areas are eligible for federal funds under the [National Scenic Area Act](#). ~~They may expand over time, even at some cost to scenic, cultural, natural, or recreation resources.~~ [Act allows revisions to urban area boundaries consistent with careful urban planning and resource protection.](#) ~~However, they~~

- The redline language in column 2, paragraph 2-3 on page 13 and column 1, paragraph 1 on page 14 eliminates language acknowledging development is allowed and welcome but must not adversely affect the SNCRS. The revised language reads to prohibit such activities. Keep original language, delete redline.

The Management Plan reinforces this vision for the Urban Areas. It encourages urban development to occur in the Urban Areas ~~and by limiting urban scale development and urban land uses such uses~~ outside Urban Areas. ~~The Act authorizes partial funding for two centers, one on each side of the Columbia River. The Gorge Commission chose an Urban Area for a conference center (Skamania Lodge Center in Stevenson, Washington) and a location near an Urban Area for an interpretive center (The Gorge Discovery Center in The Dalles, Oregon). The Gorge Commission and the Forest Service may direct some federally appropriated recreation funds to the Urban Areas. Outside Urban Areas, new commercial development is limited to~~ those areas where commercial development is already occurring, ~~and other~~ 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.

~~Development is welcome, but it must not adversely affect these resources or interfere with the prosperity of the Urban Areas. In short, outside~~ Outside the Urban Areas, the vision tips the balance toward protection and enhancement of Gorge resources. This vision paints a

### **Part I, Chapter 3 Natural Resource**

There is new language and reorganized sections of the Natural Resources chapter that are not reflected in the June Redline. The redline chapter should be corrected and re-noticed for public comment with the corrected language highlighted for the public. “Water resources” is a new term used throughout Chapter 3 and it is not defined in the Glossary. A definition should be added in the version recirculated for public comment.

### **Part III, Chapter 1 Climate Change**

This is a new chapter that was not identified in the June Redline as a revision to the current Management Plan (i.e., not shown in redline). While staff may have noted that the Climate Change chapter was new in its materials, that does not correct the procedural error of releasing a redline draft that fails to identify all new or revised language in redline. The chapter should be redlined and re-noticed for public comment with the new language highlighted for the public.

The Port proposes revisions to the Climate Change chapter included as Attachment 2. It is appropriate for the Commission to adopt policies and priority statements but the Commission should defer adopting specific language until after the Commission has developed the Climate Change Action Plan. Many of the statements made in the draft chapter aggrandize the Commission’s role in addressing climate change and simply reiterate the Commission’s view of its self-importance. These types of statements are unnecessary and do nothing to further the Commission’s policies.

The Climate Change Action Plan should be approved and incorporated into the next periodic review of the Management Plan.

### **Part IV, Chapter 1 Gorge Commission Role, Revisions to Urban Area Boundaries**

The Port proposed redline language in its May 12 letter to the Commission, which the City of The Dalles, Wasco County, Klickitat County, and Skamania supported in a joint letter to the Commission on May 22, 2020. The Oregon Department of Land Conservation and Development (“DLCD”) provided recommended changes to the draft urban area boundary policies in its June 26, 2020 letter to the Commission (“DLCD Letter”). The DLCD Letter echoes and acknowledges the concerns raised by the Port and other municipalities.

*Blue bold = proposed language; red strikeout = deleted language; redline = original language.*

#### **Introduction**

The Port proposes language based on current policy language contained in the Management Plan and consistent with the expressed vision.

~~The National Scenic Area Act authorizes the Gorge Commission to make minor revisions to the boundaries of any **of the 13 cities and towns identified as “urban areas” in the Act.** Urban Area, subject to the criteria and procedural requirements in section 4(f) of the Act. In doing so, the Act **calls for enables the Gorge Commission to recognize human presence and the desire for prosperous cities and towns in the Gorge amidst a spectacular landscape with remarkable resources. It is the Commission’s obligation to strike the delicate balance of resource protection and sustainable growth of urban areas, consistent with both purposes of the Act.** 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 Commission interprets and will apply the criteria in section 4(f) of the Act.~~

### Proposed Policy 1

The Port proposes to delete proposed policy 1 and replace with the following to (a) address the concern that the Commission is attempting to use procedural hurdles to block applications and (b) correct any potential due process issues.

~~1. — The National Scenic Area Act does not require the Gorge Commission to consider requests to revise Urban Area boundaries. The Act does not entitle a county or any person or entity to have the Gorge Commission consider a request to revise an Urban Area boundary.~~

**1. A county may apply to the Gorge Commission for a minor urban area boundary revision upon providing the Gorge Commission at least six months’ notice of its intent to file an application. The county shall include in the notice a proposed timeline for Commission review of the application and a summary of the boundary revision including approximate geographic location, acreage, and future uses within the revised area.**

### Proposed Policy 2

The Port proposes to include language referencing Appendix C (containing the urban area legal boundaries) and noting that the rule may be amended from time to time (e.g., upon approval of an urban area boundary revision the rule would need to be amended to reflect the amended boundary).

~~2. The legal **boundary** descriptions in **Appendix C of Commission Rule 350-10 (as amended through December 31, 2018 and may be amended from time to time)** are the ~~Urban Area~~ boundaries and acreage calculations that counties must use in applications to revise Urban Area boundaries.~~

### Proposed Policy 3

The language should track the authorization in 544 (c) of the Act governing revisions to SMA boundaries.

3. The Gorge Commission has authority to ~~can only approve applications to revise a boundary of an Urban Area adjacent to the General Management Area. Revisions to a boundary between an Urban Area and a Special Management Area are subject to review and approval by the Secretary in consultation with the Commission. require 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).~~

### Proposed Policy 4 and Policy 5

The Port proposes consolidating the language in proposed policies 4 and 5 as follows to (a) address the concern that the Commission is attempting to use procedural hurdles block applications, and (b) correct any potential due process issues.

4. The Gorge Commission shall seek funding in its biennial budget to support any Urban Area boundary revision application after receiving a county's intent to submit an application. If funding is not available either because of a budget shortage or because it was not included in the biennial budget given the budget cycle, the Gorge Commission shall enter into a cost reimbursement agreement with the applicant to cover the costs of processing an application until the funding is obtained through the biennial budget process. ~~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. ~~At the beginning of each biennial budget, the Gorge Commission will determine whether its funding is sufficient to allow it to analyze one or more Urban Area boundary adjustment applications during that biennium and communicate its determination to the counties.~~

### Proposed Policy 6

The Port requests that the Commission delete this policy and allow an applicant to decide the timeline for filing an application with the Commission. Depending on agency consultation and other considerations, an applicant may seek to file an application with the Commission prior to filing with the state, concurrent, or subsequent to obtaining state approval.

6. An applicant for an urban area boundary revision may elect when to file an application with the Gorge Commission. An application to the Commission may precede an application to the state, be concurrent with an application to the state, or be subsequent to an application with the state for corresponding state approval of the urban boundary revision. The Commission shall condition the effectiveness of the Commission's approval for any urban area boundary revision on the applicant receiving the corresponding state approval. The Gorge Commission will only consider applications to revise Urban Area boundaries in conjunction with state required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area.

#### Proposed Policy 7

The Port requests that the Commission address this coordination issue before adopting any amendments to the urban area boundary policies. As proposed, proposed policy 7 improperly defers a policy choice that the Commission must make for how to coordinate with state law. DLCD has offered to participate in such discussions and the Commission should defer acting on the urban area boundary policy changes until such consultation has occurred.

#### Proposed Policy 8

The Commission's proposed definition of "minor" is arbitrary and inconsistent with the Act. Dallesport, Hood River, North Bonneville, Stevenson, The Dalles, and White Salmon/Bingen would be limited to 20 acres total, forever. Cascade Locks, Home Valley, Lyle, Mosier, and Wishram would be limited to even less, forever. The 20 acres amounts to a 0.36 percent increase for The Dalles (5,436 acres), a 0.6 percent increase for White Salmon/Bingen and Stevenson (at 3,325 and 3153 respectively), and a 0.83 percent for Hood River (at 2,422). These are ridiculously low numbers. And they are absolute limits on growth. These numbers do not ensure that an application is "minor" but rather that it is de minimis. The Commission's definition cannot be what Congress meant when it used the word "minor" when granting the Commission authority to approve boundary revisions that complied with the §4(f)(2) approval criteria.

The Act states that the Commission "*may make minor revisions to the boundaries of any urban area.*" The Act then goes on to provide that the "*Commission may revise the boundaries of an urban area only if [it meets the (A)-(D) approval criteria].*" Read together, the plain language of the Act specifies that the type of revision the Commission may make under 4(f)(1) is one that meets the four criteria in 4(f)(2). The Act does not say that the Commission cannot accept an application that is not minor, only that it may not approve a revision that is not minor. For example, a county may file an application for 150 acres, but the Commission may find that only

75 acres meets the §4(f)(2) criteria and therefore, only a 75-acre revision is allowed under §4(f)(1). On this basis, the Port proposes the following definition:

- ~~8. The Gorge Commission will determine whether a A proposed Urban Area boundary revision is minor pursuant to section 4(f)(1) of the National Scenic Area Act if it can satisfy the 4(f)(2) approval criteria on a case-by-case basis.~~

Alternatively, the Port proposes a definition of “minor” that looks to strike a compromise between using a numeric threshold and a discretionary standard.

8. A proposed Urban Area boundary revision is minor pursuant to section 4(f)(1) of the National Scenic Act (a) if it involves 10 percent or less of an urban area’s total acreage as defined in Policy 2, or (b) if the revision exceeds 10 percent, the applicant can demonstrate, in addition to meeting the 4(f)(2) approval criteria, that the revision would not result in a substantial expansion of an Urban Area and would not have a significant effect on surrounding lands outside of the Urban Area.

#### Proposed Policy 9

No comments.

#### Proposed Policy 10

The Port and other stakeholders have serious concerns about the Commission’s ability to require one urban area to consider the buildable lands of another, particularly if the analysis requires consideration of land in a different state. While the Port agrees with the Commission’s direction in Proposed Policy 10, recognizing that the demonstration of need in §544b(f)(2)(A) is founded in Oregon’s growth policies, the proposed language is not policy-focused. Instead, the draft is more appropriate for rulemaking. Therefore, the Port proposes something simpler and policy-focused.

- ~~10. Compliance with section 4(f)(2)(A), demonstrating need to accommodate for long-range urban population growth requirements or economic needs may be satisfied using either Oregon or Washington’s requirements for determining need for state-level applications to expand an applicant’s urban area boundary. The consistent with the management plan within an Urban Area, will be determined case-by-case.~~

~~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, **which may be refined in rule**. By rule, the Gorge Commission may revise specific Oregon factors and add specific National Scenic Area factors.~~

~~B. 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 Commission's review must incorporate the proposed service and labor market areas.~~

#### Proposed Policy 11

No comments.

#### Proposed Policy 12

As drafted, proposed policy 12 simply defers policy choices to a later rulemaking or application review process. To correct this, the Port proposes the following revisions:

12. ~~Compliance with section 4(f)(2)(B), consistency with the standards **and purposes in the Act may be satisfied by direct findings demonstrating that the proposed revision is consistent with the standards and purposes when considered collectively. Findings of compliance with each standard are not required to demonstrate compliance with section 4(f)(2)(B).** used to develop the Management Plan and the purposes of the Act, will be determined on a case-by-case basis. The Commission recognizes that the application of the standards and purposes of the Act in the Management Plan may not be appropriate for determining compliance with section 4(f)(2)(B). The Commission may use the procedures and requirements in the Management Plan for guidance but is not bound to the procedures and requirements in the Management Plan for Urban Area boundary applications. By rule, the Commission may specify requirements to comply with section 4(f)(2)(B).~~

#### Proposed Policy 13

Like proposed policy 12, proposed policy 13 defers policy choices that the Commission should be making now. To correct this, the Port proposes the following:

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, may be satisfied by providing information on the proposed zoning requirements for the expanded area like minimum parcel size, lot coverage, minimum density, floor area ratios, and other development standards along with draft plans for transportation and public utility service to be finalized and implemented upon the Commission's approval of the urban area boundary revision. 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 Commission may establish factors to evaluate whether proposed revisions to the boundary of an Urban Area result in the maximum efficiency of land uses.~~

#### Proposed Policy 14

Again, like proposed policy 12 and 13, proposed policy 14 defers policy choices the Commission should be making now. The Act itself, in §544d(f)(2)(D), recognizes that there may be some reduction in agricultural, forest, and open spaces but such reduction cannot be "significant." The Commission's current language directly conflicts with the plain language of the Act. To correct this, the Port proposes the following:

14. ~~To achieve e~~**Compliance with section 4(f)(2)(D), demonstrating that applications to revise the revisions to boundaries of an Urban Area shall not result in the significant reduction of agricultural lands, forest lands, or open spaces may be satisfied by demonstrating that the agricultural, forest or open space removed from the General Management Area has low resource value, is underutilized, lacks resources protected by 544a(1), or has qualities or characteristics that are better suited for urban area uses.** ~~shall prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and open space. The Commission by rule may establish a priority of lands to be considered for revising into Urban Areas.~~

#### Conclusion

In closing, the Port appreciates the difficult task before the Commission. However, the Commission is obligated to make hard choices and make them in a public forum following meaningful public input, interagency and interstate coordination, and transparent deliberation. In revising the Management Plan, the Commission must make ultimate policy choices that drive future rulemaking.

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The Port remains concerned that, without further revisions, the proposed policy changes in June Redline raise significant procedural and substantive challenges under the Act. The Port, and others, have proposed numerous suggestions for how to address these concerns in order to reach resolution on what will be long-lasting policies for the Gorge. We encourage the Commission to take the time to address these issues proactively, even if it means extending the review schedule. We would also request that the Commission remove the Urban Area Boundary Revisions section from consideration and reconvene the Gorge Planners group with DLCDC to pick up discussions that stopped in December on this subject.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink that reads "Elaine R. Albrich". The signature is written in a cursive, flowing style.

Elaine R. Albrich

cc: Port of The Dalles

## **Attachment 1**

**CRGC November 12 Meeting**  
**“History of the National Scenic Area Act”**  
**by Mike Salsgiver**

DeKay: And now the guest presentation on the History of the National Scenic Area Act by Mike Salsgiver. So Krystyna has a little introduction.

ED: Yes. Thanks. Well, I'm pleased to welcome Mike Salsgiver to talk about some interesting background about the National Scenic Area Act. He's worked for 38 years in government and public affairs and economic development. From 1981 to 1994 he served as the field representative and legislative assistant for senators Mark Hatfield and Bob Packwood. So we invited him to come and share some of this experience related to the passage of the National Scenic Area Act, especially since we have a couple of new commissioners here today. Thank you for taking the time to be with us today.

Salsgiver: Thank you, Krystyna. Chair DeKay and members of the Commission. For the record my name is Mike Salsgiver, I'm a resident of Portland, Oregon. I want to thank Commission Chair, Lorrie DeKay for inviting me to join you all this morning. It's also good to see some other Commissioners whom I've worked over the years: Commissioner Blair, Commissioner Liberty, it's good to see you both. I don't know if you're front and center on purpose, but it's good to see you both.

Man: Easier targets that way.

Salsgiver: I know the feeling. In June of this year I was invited by former Oregon State Representative Mark Johnson to come to Hood River to offer some recollections about the economic development purposes of the Columbia River Gorge National Scenic Area Act of 1986. My connection to this legislation goes back to 1985 when I joined the staff of U.S. Senator Mark O. Hatfield. In that capacity I joined a team of other professional staff members who worked with members of the Oregon and Washington Congressional delegations to draft the Bill and move it through the final legislative process into enactment. How to balance what should be complimentary but which are sometimes regularly conflicting interests and then how to translate that conflict into workable plans and actions that protect and advance all interests in this area and the people who live here and the economy of the region was one of our top priorities.

This morning, in the time that I have, I propose to cover the following three general areas. And because the passage of over three decades and because I'm not yet able to access first source documents that were generated during the drafting process, I won't cover all of these areas in significant or minute detail. And of course I'd be happy to try to answer any questions that any of you may have at any time. I'm an old Intel guy, I'm used to doing presentations without being interrupted, so. First, I'd like to propose covering some general information about my professional background during my tenure with Senator Hatfield. Second, I'd like to cover the general principles that guided the authors of the Act at that time, particularly from the Senator's perspective.

And third, I'd like to address specifically the question of economic development as it was dealt with in the Act by the sponsors of the Bill. And again, any questions that you have, please feel free to ask them.

And as I mentioned I actually can't believe sometimes that it's been 33 years since the Bill was enacted into law. I have a pretty good memory, but 1986 is now more than half my life ago, and many of the details from that period have faded in my mind. During the drafting of the Bill during the '85/'86 period, I took relatively good notes and kept fairly detailed records. However, when I left the Senator in 1994 all of my files were transferred to his archives in Salem to Mark O. Hatfield library at Willamette University. And at the Senator's request those archives will not be opened to the public until July 12, 2022, his 100<sup>th</sup> birthday. So I didn't have those records to rely upon to refresh my memory of things in preparing these remarks that I made in the summer. Therefore, to prepare for today—although I did some basic research off and on over the summer, thank god for the internet—my comments are going to be very general in nature. And they will rely also upon my memories of the thousands of hours that I spent with Senator Hatfield during the ten years that I worked for him. As a result, what I will cover here today are the broad strokes, the general philosophies and principles that drove the drafting of the Bill. With all of that in mind, what I'd like to do now is refresh for you the principles that guided the Bill's sponsors as I saw them. Of course, my perspective will heavily influenced by Senator Hatfield's philosophy and perspectives which were formed by him as a native Oregonian, through his experiences as a former state representative, secretary of state, governor, and ultimately U.S. senator. And they were formed as well by his interests and his judgment and his direction to me and my teammates as the Bill was being drafted. I also want to make it clear that while we all worked very closely together and generally remain in touch with each other even to this day, I am not in a position to represent or speak for, or on behalf of, the other members of Congress or their staff who were active in this issue at that time. So I would ask that anything I say here today not be taken in that light or assumed to represent them.

First, let's talk about some of the general legislative principals that we dealt with. Although each of the Bill's sponsors had different guiding philosophies and approaches to legislating, it's fair to say that each of them share a broad consensus that the Columbia River Gorge was a special place, truly one of America's great natural wonders. It is characterized by some of the most remarkable resources on the North American continent, geological, hydrologic, scenic, natural, cultural, recreational values that are fully recognized due the protection which is embedded in the Act. And all of the members of Congress in office at that time recognized that unlike a wilderness area, a national park, a wild and scenic river segment, a national recreation area, or some other similar designation, the Columbia River Gorge was then, and is now, also the home for over 58,000 people. In fact, the Gorge has been home to human beings for over 13,000 years. And so the Gorge was not then and is not now a wilderness area or a park, and it was for that reason that Senator Hatfield resisted all efforts to have what became to be managed by the Park Service, and instead turned to the U.S.D.A Forest Service as the primary management agency for the national scenic area. The Senator had great confidence in the Forest Service

because it had a long tradition of managing natural resources with multiple yet integrated uses and interests in mind. To that end, Senator Hatfield never once advocated what he called the lock-up of the Columbia River Gorge. He strongly resisted, not only in the Gorge but on other public lands as well, the concept of treating natural areas like terrariums, with a look but don't touch mentality. At the same time he did feel very strongly about the need to protect its overriding natural values. Because of the competing interests involved in the process at the time, the Senator recognized two things: that to some, any governmental involvement in land use decisions, especially at the federal level, would be seen as an affront to the people that live here, that many would see it as an attack on their personal freedoms, as well as an unnecessary government interference in their personal property rights. On the other hand, the Senator also recognized that to others a high degree of protection and heavy regulation were the only ways to ensure an adequate environmental protection of this area. So with those competing interests and approaches in mind, the sponsors went about the business of writing a Bill that had two primary purposes. One was to protect and enhance the scenic, natural, cultural, and recreational values—what Bowen Blair and I actually invented at my dining room table in early 1986. It's what we came to know as the SNRC values. And the second purpose was to protect, enhance, and support the economy of the region by encouraging growth to incur in and near the urban areas. Another key principal was that even with a federally driven process guiding the protection of the Gorge, the states of Washington and Oregon were to be given great authority in the Act's implementation. This was to be accomplished through language to authorize the establishment of this Commission—a bi-state entity that would work in concert with the federal government and be charged with developing the land use guidelines to protect these natural and economic values. It was also expected that the six Columbia Gorge counties and the cities in the NSA would play significant roles in drafting the scenic areas management plan and the land use ordinances that followed.

So with that background, I like to focus the remainder of my remarks this morning on the second purpose of the Act: economic development in the NSA. In that regard I have mentioned Senator Hatfield's view about the need for balanced protection of the Gorge's natural beauty and resources with protecting the region's economy. The philosophy driving from those sections of the Bill came from my recognition of the economic realities of the Columbia Gorge itself. At the time the Bill was drafted it was estimated that over 44,000 people lived here, and today that number is approximately 58,000. So he knew the area was going to continue to grow. There were also already vibrant economic sectors in place in 1985 and 1986, and the economy was continuing to change as we saw the rise of new economic activities in river recreation, in the brewery industry, and in high technology. It was clear then that most, but not all, of the region's economic activity, was centered in the towns and cities, the urban areas. It was also recognized that there were lesser but still significant economic activity in areas outside the urban areas. A considerable amount of analysis, thought, and discussion was given to providing a path for economic protection and development. Those goals were never really in question. The major question was how. So even though the Bill was going to establish federal overlay for the new scenic area designation, the Senator and the other Bill sponsors,

especially Senator Evans, who was also a former governor, felt very strongly about making every effort to ensure the sovereignty of the states, and provide for as much local control as possible. That led to the creation of the Columbia River Gorge Commission which as you know is charged also with responsibility under Section 11 of the Act of working through the two states, with the Forest Service and local governments and economic development partners, to develop an economic development strategy and plan for the NSA. Other than the general direction of the economic development activity and growth being “encouraged to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph 1,” the Bill’s sponsors wanted to drive those discussions—the dates, planning, and execution around the economy—back to the most local level possible. As you are now aware, the Bill established three types of land designations in the NSA: urban areas, general management areas (GMAs), and special management areas (SMAs).

I’d like to take a moment to discuss the general thinking as well as the legislative and management philosophies behind each of these designations. The senator strongly believed in the philosophy of wise use of natural resources in areas that the legislative process determined did not require special protection such as wilderness areas. In fact, I believe it is important to note that at the time the final Gorge Bill was being drafted, Senator Hatfield was very focused on that notion since he had just come out of a very nearly decade-long effort to identify and then protect wilderness areas in Oregon. As a result, the national scenic area the Senator envisioned—in the national scenic area the Senator envisioned conservation and stewardship working together to accomplish the dual purposes of the Act and protect the natural and economic values of the Gorge. In the urban areas, the Senator believed almost all the land use decisions should be made by the counties and cities. The urban areas are the most heavily developed part of the Gorge and it was in the urban areas that he thought most of the economic development plan for what was to become the national scenic area would occur. He believed development review should occur primarily at the city and county level, though he understood that both the Commission and the Forest Service may be involved in matters that occurred on the boundaries, particularly, between urban areas and general or special management areas. For lands in the national scenic area that were deserving of significant—but not the highest levels—of protection, the Bill’s sponsors developed a concept of what came to be called general management areas. Those areas were deemed important, but it was recognized that a normal degree of economic activity was already present in them, requiring some but a lower degree and intensity of federal regulation and protection. It was Senator Hatfield’s view that GMAs should be protected, but he never saw these areas as precluding some degree of economic activity. And finally, there were areas that were deemed to possess a high degree of some or all of scenic, natural, cultural, and recreational values the Act sought to protect. These areas came to be known as special management areas (SMAs). Senator Hatfield believed that the SMAs, as they finally came to be—and which were the focus of very intense and often very heated discussions—should be areas of little to no development. In the SMAs the forest service would have primary management responsibility, although it was envisioned that the tribes and the six Columbia Gorge counties would be active management

partners. In the SMAs, he felt very strongly that once boundary designations for those areas were set, they should be heavily protected. Senator Hatfield also believed that the protections in the SMAs should extend to resources on the ground as well as the surrounding watershed. And he understood that watershed or ecosystem management were going to be some challenges. These management concepts were relatively new at the time, and it is why both as chair and as ranking member of the Senate Appropriations Committee, that he successfully steered significant sums of federal resources for research that would help resource management agencies improve their understanding of management practices in the area.

I'd like to close with a few thoughts about what all of this might mean for all of you going forward. Columbia River Gorge National Scenic Area was born of the collision of multiple either/or philosophies, a collision of views that lasted nearly a century. Protect versus development. Short term versus mid-term versus long term. Use versus non-use. Preservation versus conservation. The philosophies of a John Muir or David Pinchot. In the immediate aftermath of the passage of the Act, Senator Hatfield knew that conflicts, disagreements and other problems would continue in this area even with the law in place. He believed strongly, however, that both states, the tribes, the six Columbia Gorge counties, the communities in the area, and all the interest in the Gorge would somehow find a way to work through their differences because at the time that's how we did things in this region. He fully understood that there are no absolutes, that the work would be difficult. It would require citizens and government officials of good will to work together, discuss their views, and determine a workable path forward. Unfortunately, in the 33 years since the enactment of the Columbia River Gorge National Scenic Area, environmental policy politics, like most of our politics, has divided and hardened even further. We are living in a time when extremes can often take control of a debate and rational thoughtful discussion is frequently pushed to the side. I know if Mark Hatfield were here today he would tell you to listen with an open mind, be clear about your goals, relying on information that is as solid as you can make it, do your best to understand opposing or alternative viewpoints, and then work together to accomplish a unified purpose. He would also tell you not to let the arguments of today, cause you forget about our mutual responsibilities to future generations. I hope my comments this morning will help you understand better how the Bill's sponsors generally thought in those years, what we hoped to accomplish then, and that these views will give you confidence that the issues and perspectives you are working with and on today were, in fact, understood 33 years ago, and were expected to be fully considered today and on into the future. And, finally, it's my hope that knowing more about these perspectives will help all of us work better together now and going forward to fulfill the vision of the Act. And I'd like to thank you, Chair DeKay, once again for inviting me to join you. If there are any questions I'd be happy to entertain them.

Nichols: Yes sir, a compliment and a brickbat that I'll toss your way. A compliment on the design of the Commission itself, which I think is beautifully balanced, and a brickbat for making the two states.... Okay, sorry.

Salsgiver: We don't want to lose these.

Nichols: A brickbat for making the two states equally responsible, which has led to whichever state is in the worst financial trouble driving our budget downward year after year after year. If you have a time machine, could you correct that for us, please? And thank you.

Salsgiver: I'd be happy to do that.

Chamberlain: I've been sitting on the Commission for many years. I represent Skamania County, their appointee. The second part of the Act is, I've had a passion for. And I seem to be a lone person with my... how I read the Act. So, maybe I can read it to you, the second part and do my interpretation of what it's telling me and you can tell me, or maybe you can, on if I'm anywhere close. It says "to protect and support the economy of the Columbia River Gorge area." So, that's the scenic area, it's supposed to protect, and I wonder why they used the word protect, because to protect an economy, to me it means that I should kind of have the same economy I had 30 years ago because it was protected, but maybe that's a different interpretation of what protect means. And it says "to protect it by encouraging growth to occur in existing urban areas." So, the Commission has no authority inside the urban areas, so it just encourages... encourages it how without any authority? Then, the third part of that is, and "by allowing future economic development in a manner that is consistent with the first paragraph." So, there it says by allowing, so wherever they're allowing this future economic development, they do have authority, because it doesn't say encourage. It says we're going to allow it to happen here if it's in line with the first paragraph. So, to protect the economy, they should be encouraging growth in the urban areas, and that growth in the urban areas does not have to be in line with the first paragraph, but by allowing development in the scenic area, that outside of the urban areas, does have to be in line with the first paragraph. I mean, that's... the second part is really two parts, not one. Am I somewhere close on that?

Salsgiver: You're somewhere close, yes.

Chamberlain: Thank you.

Salsgiver: If you look back at the time when we were drafting in the middle—Oregon and Washington then, really still to this day have two very different land use schemes. Oregon has a very aggressive land use laws in SB 100. It has a very well defined set of land use processes. The state of Washington chose not to go down that path and has lesser... well defined, but no less effective for them, ways of managing their resources. And ultimately, I think the general thought was let's push development where it already is, that the scenic, natural, cultural, and recreational values of the entire, what became the National Scenic Area, where so important that they needed to be protected, and that any activity that would occur, that was activity that was thought that it would occur, should be consistent with protecting those values. So, when we use the word protect, number one, remember there were a number of people that wanted to create... wanted this area to be a National Park. That would have led to a very different economy then what we see today. And so, when we say protect, then I know, again, speaking solely from the perspective of Mark Hatfield, his view was you

have these two interests, both of which need to be protected. We need to protect the natural values of the gorge and we need to protect the economy of it. And that was the baseline of this philosophy. And we made every effort to make sure the Bill language reflected that.

Blair: Thank you. Mike, first of all, thank you for your presentation. It's great to see you again. It's great to put you in the position thought where you're in between two different sides of the Commission as you were 30 years ago and actually, that's overstating it. But just to Roger's point about his brickbat, you shouldn't take credit for that, because that was the states deciding with the budget and the content legislation, so that's something actually we could fix if the two state legislatures were to change their minds on that. But I'd like to talk about one of your first points, and that was Senator Hatfield's guiding principles, and over the course of many conversations I had with him, many more hours listening to him and hearing some things, it seemed to me that one of the things that really drove him was stewardship. And when you were talking, I went back and looked at the hearing record for March of 1983 and he said, in three sentences, something that I think perfectly capitalized or emphasized his philosophy, and that's "I don't believe we own anything. I believe we are but stewards of great creation. We have a responsibility to administrate the land in a way that's going to pass on to generations upon generations." And I think that's well reflected in the two purposes of the act. Both purposes being very important, and I don't think there would be any disagreement on the Commission about that. But the first purpose, the second purpose is contingent on being consistent with the first purpose. So, while they're both very important, the second purpose, economic development, is subordinate to protection of the resources. And I think that's something that we all have to keep in mind in some ways, that makes many ways, our job on the Commission that much more difficult. If our responsibility simply were to promote and enhance scenic, natural, cultural, and recreational resources, and protect and support the economy, that would be challenging, but we could do it. But to do the economic development in a way that's consistent with resource protection is that much more difficult. And I think Senator Hatfield's guiding principles about stewardship helps us in that.

Salsgiver: Thank you, Commissioner. First of all, I don't feel stuck between two sides. I know he grappled with this issue for a long, long time, which now all of you grapple with once the Bill passed. One thing I will say, back to the question on state budget for a minute, for a brief period of time, I was privileged under Governor Kulongoski to lead the Oregon Department of Economic Development, Economic and Community Development, which is now called BizOregon, and I'm proud to say that in my tenure as director of that agency, the increase funding for the Commission, I was able to successfully lobby and encourage the increase. The state budget and his budget are state resources and his budget for the Commission, so I'm happy to report that. The other part of struggle, it was... he was at heart a conservationist and he was... I think his experience particularly with the Native American tribes in tribal restoration as governor and as a senator, really impacted his thinking and philosophies quite a bit, and you can hear the philosophies from the Tribes in those words. And they guided them on natural resources issues for his entire career.

Liberty: Mike, nice to see you, and thanks for making time for us today. I want to call upon my colleague Keith Chamberlain's question about the second purpose of the Act, because there's that... I remember this issue too, there's natural concern about further federal governmental interference in rural areas, but there also seems to be equal concern about our involvement in the same purpose of the act. Did the Senator see a role the Commission that was more than passive in the second purpose was it... or was it more along the lines of by grants or accountable for business startups, what did he see as the role? Because the way we have been interpreting this is simply passive, if we do our job in the first purpose, we will be encouraging growth in the urban areas. Or did he see a more activist role for the Commission.

Salsgiver: Commissioner, good to see you as well. Yes, he did see an active role, not only for the Commission, but for all of the government and private citizens in the area. I think, when you look at the three designation types, urban areas, general management, and special management areas, in particular the economic activity as the Act states itself, is its plain words, the urban areas will be the center of economic activity, but it wasn't precluded, in his mind, from general management areas, and that's what the Commission's role, in his thinking, was going to be clear. But I think the special management areas, again, those were, not wilderness areas per say, but they were special places that the economic activity should be directed away from. But yeah, I think he saw an activist role, an active role, activist I don't know. I want to make sure I make the distinction here. It may be a distinction without a difference, but I'm not sure. But I do think he saw a very active role on the part of the Commission in participating in economic development activities and decisions that would have an impact outside urban areas. I hope I answered that.

Liberty: I was actually asking about inside urban areas.

Salsgiver: I think, generally speaking, his view, again speaking solely for Senator Hatfield, is that the urban areas were primarily the domain of cities and the counties in which they reside. But the Commission oversees the whole Gorge, and I think having that... his view was always that more conversation and interaction mattered. And so, to invite the Commission to look at what's going on inside an urban area, particularly in, now that I'm thinking about this, particularly in ways that might impact activity outside of urban areas would be desirable. I think he would look at that and go "yeah, we should be doing that."

DeKay: Real quick, Dan and then Robert. Then we got to move on.

Erickson: Back to the differences between Oregon and Washington land use, when the Act was passed, Oregon, with its grassy terrain, you had very tight urban growth boundaries and Washington had none, and basically the original Commission, well the Act had to define those boundaries and in many cases had a much looser application of where the boundary would be. Case in point, The Dalles and Dallesport, Dallesport just got 15,000 acres and The Dalles had a 20 year "urban growth boundary" which it's been many more than that and they haven't reached it. However, promoting economic development within that boundary wasn't contemplated that, when we were

successful with that and that economic development came to the boundary where there was no more developable land, industrial or for whatever purpose, that The Dalles would be stymied at that point and not be able to expand, because we had 15,000 acres across the river that was developable? Or did, was there any discussion about in the urban growth boundary, adjustment across the river that was developable or was there any discussion in the urban growth boundary adjustment part of the Act that they foresaw economic development and growth would occur and at some point in time, it would be appropriate to move the boundary based on that?

Salsgiver: At the federal level, we—never, we were very cognizant of Oregon’s land use laws, but it was the Senator’s view, and I think most of the rest of the delegation from Oregon shared this, that it was not our purview to make conscience decisions that would impact local governments or state government’s ability to make its own laws. And so, at the time, I was invited to speak in Hood River this summer, I had some... in my remarks and conversations about the Senator’s views about boundaries. In particular—he was always an opponent of what we call a boundary creep. It bothered him that boundaries are set for a particular reason, and sometimes it was during the development of the Act, that, I can tell you, having gone to county court houses or city halls and dug through dusty filing cabinets or boxes that were sitting under someone’s desk for 50 years with handwritten notes or lines that had faded or pencil marks that had been erased or moved, it was not a very exact science then on how some of the boundaries were set, but at the end of the day, the Senator’s view was that Oregon has a very well-defined process, it should follow that process. It’s not up to the federal government to decide how or whether a growth boundary should be adjusted or not. He was more than happy to let the local government take that on because he had other issues to deal with. So, I’m not sure if I’m answering your question very well, but at the time, our view was that we knew there was a process, and we were going to rely on local government partners to handle it.

Erickson: Thank you.

Nichols: That was my question.

DeKay: Well, thank you so much Mike. It’s nice to see you again and thank you for sharing your early morning with us.

Salsgiver: Thank you, it’s been good to see you all.

## **Attachment 2**

## 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.<sup>1,2</sup> 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.<sup>3</sup> As a bi-state agency, [the Gorge Commission is positioned](#) ~~with responsibility for protecting and enhancing a broad set of affected resources, the Gorge Commission has compelling reasons to~~

~~take a comprehensive view of the challenge and a unique opportunity 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. [Given the Gorge Commission's role in protecting these resources under the National Scenic Act, is appropriate for](#) ~~Thus,~~ the

<sup>1</sup> IPCC, 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. Portner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Pean, 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.

<sup>2</sup> IPCC, 2018: Summary for Policymakers. In: Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial 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 [Masson-Delmotte, V., P. Zhai, H.-O. Portner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Pean, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. In Press.

<sup>3</sup> 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.

Management Plan ~~to~~ **must** address [climate change](#)~~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, increased flooding, drought, landslides, and wildfire, changes in species abundance and distribution, and increased invasive species and diseases.<sup>4</sup>

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 [important essential](#) that climate resilience, adaptation, and mitigation efforts involve federal, bi-state, state, [county, city municipal](#), and [Tribal](#) governments [as well as the public](#). ~~These governments have made a commitment to each other to collectively ensure the continuing health and vitality of the National Scenic Area through the Columbia River Gorge Compact.~~

The Management Plan is [a one of several](#) tools the Gorge Commission, and the National Scenic Area jurisdictions [may use to address climate resiliency in an effort](#), ~~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.~~

<sup>4</sup> “Summary of Climate Change Effects in the Columbia River Gorge National Scenic Area,” Wozniak, October 8, 2019, pages 5-7.

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 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 has a high profile, managing the largest and most complex jurisdiction of its kind, 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.

### **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 Gorge Commission shall adopt the Climate Change Action Plan through a public process with opportunities for public and stakeholder input, public comment, and public hearings. 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 fishing tribes, ~~and~~ the Forest Service, Washington, Oregon, the NSA counties and cities, along with ~~and shall involve~~ the public. The Climate Change Action Plan shall be regularly reviewed and updated as needed, based upon new data and information through a public process, specified in rule.

The Climate Change Action Plan will address climate change impacts through adaptation actions and provide a basis for action to reduce greenhouse gas emissions through mitigation approaches. The 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:

- **Streams and riparian areas** – protecting and enhancing aquatic and riparian systems. This includes expanding stream buffers, requiring vegetation enhancement, protecting cold water refuge habitats, and other approaches.

~~If the Gorge Commission has not completed its evaluation of appropriate stream buffer protections by one year after adoption of revisions to the Management Plan, the Gorge Commission will implement the following interim stream buffer protection standard: apply the existing SMA buffer width (200 feet) to cold water refuge streams within the GMA. Streams affected by this policy change include the Sandy River, Wind River, Little White Salmon River,~~

~~White Salmon River, Hood River, Klickitat River, Fifteenmile Creek, and Deschutes River.<sup>5</sup>~~

~~[The Gorge Commission endorsed including this preliminary language on stream buffer protections in the Draft Management Plan. This is not final proposed Management Plan text. The Commission seeks public comment on this language and its implementation.]~~

- **Forest resources** – protecting forested lands for carbon storage. This includes siting and development standards, forest practices policies, land conversion policies, and other approaches.

~~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.~~

~~[The Gorge Commission endorsed including this preliminary language on conversion of forest lands in the Draft Management Plan. This language reflects the Gorge Commission’s interest in retaining existing forests, where possible within its authority, to provide carbon storage as a mitigation strategy to address climate change. This is not final proposed Management Plan text. The Commission seeks public comment on this language and implementing it through changes to land use designations of lands currently designated Commercial Forest, Large Woodland, and Small Woodland, and through changes to Forest Land goals, objectives, land use policies, designation policies, and guidelines in Part II Chapter 2 and possibly other chapters.]~~

- **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.
- **Climate change action priorities of the four Columbia River treaty fishing tribes** – protecting culturally-important resources, including traditional First Foods, Treaty-reserved rights, and cultural sites.
- ~~**Agricultural lands** – protecting agricultural lands from conversion to other uses, except for conversion to forest land.~~

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

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<sup>5</sup> ~~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 11 priority streams within the National Scenic Area. Tanner Creek, Eagle Creek, and Horman Creek are entirely within SMA and currently have a 200-ft buffer within the National Scenic Area.~~

(VSI) program. VSI shall inform planning efforts, support decision-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 has the authority to develop a Management Plan amendment 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 fishing 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 convene regional discussions 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.