

## Comments about Gorge 2020 (Commission's purpose)

Definitions:

- COMMISSION The 13-member body of appointees
- ACT The 1986 act of US congress, as amended
- COMPACT The 4-page WA/OR interstate agreement
- Current Plan The 467-page "Management Plan," dated 2016
- Draft Plan The 500-page proposed "Management Plan," dated 2020

### ***Specified purpose, selected focus, tactics:***

The ACT assigns to the COMMISSION the task to define its own mission, then memorialize this mission in a document to be labeled the "Management Plan." To guide the COMMISSION, the ACT specifies a two-part, 74-word, statement of purpose.

From within these 74 words, three decades ago, the COMMISSION selected for its focus the phrase: "*protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources.....*" For 30 years, the COMMISSION has avoided the second purpose specified in the ACT: "*protect and support the economy of the Columbia River Gorge area.....*"<sup>1</sup>

The COMPACT assigns to the COMMISSION the power to over-rule any land use ordinance in the 6 affected counties, replacing the vetoed ordinance with land-use regulations promulgated by the COMMISSION itself. Employing this power has been the COMMISSION's tactic for the past 30 years.

### ***Undefined focus phrase; "scenic resource:"***

Rich in adjectives, the Current Plan's 467 pages read like an essay in a creative writing class. Brevity and clarity are not its strong points. But the Current Plan does clarify the narrow focus the COMMISSION has maintained for itself for 3 decades: "*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 Scenic Area.*"

The Current Plan offers no definition of the phrase "*scenic resource.*" But its recurring use of a few phrases clarify that the COMMISSION equates *scenic resource* with *imperceptibility from "key viewing areas" of effects of human activity,*<sup>2</sup> thus emphasizing the experience of visitors, not of residents. This is

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<sup>1</sup> Of 467 pages in the Current Plan, 3 pages are devoted to "*Chapter 2; Economic Development.*" These 3 pages describe how the COMMISSION will encourage other entities to promote economic development (the text identifies ports, cities and two states.) These 3 pages also outline how the COMMISSION will prevent commercial activity on nearly all the lands within its jurisdiction. Revisions in the Draft Plan would further restrict commercial activity.

<sup>2</sup> Confirmation that this is the COMMISSION's working definition of "*scenic resource*" can be found in the COMMISSION's "2009 Vital Signs Indicators" report. This document quantifies the: "*Number of buildings, as seen from selected public vantage points.*" Consistent with the COMMISSION's selection of "*key viewing areas,*" this document emphasizes the viewing experience of motorists: "*Observation points consist of pull-outs along the road and individual (road) segments that contain iconic views.*" Imperceptibility of the motorist's car is not noted in this document, nor of the road upon which it travels.

underscored in the Current Plan, by definition and frequent use of the following phrases: “fully screened”<sup>3</sup>, “key viewing areas”<sup>4</sup>, “not visually evident,” “visually subordinate.”

### **Defining “scenic resource:”**

It is a matter of opinion whether “scenic resource” can be quantified by the degree of “imperceptibility of effects of human activity.” Conflicting opinions are common, as illustrated by the postcard scenes copied below. By today’s standards of the COMMISSION, such scenes may be “visually discordant.”<sup>5</sup>



The human creations evident in these scenes would not exist, had the COMMISSION’s policies been imposed.

### **The Draft Plan**

The Draft Plan improves neither the brevity nor the clarity of the Current Plan. Instead, it:

- Inconsequentially reshuffles segments of creative writing, adjectives still prominent.
- Continues to deemphasize one of the ACT’s two purposes: “*protect and support the economy of the Columbia River Gorge area.....*”
- Maintains the COMMISSION’s historic interpretation of the phrase “scenic resource,” again failing to define this phrase and again making frequent use of the phrases: “fully screened,” “key viewing areas,” “not visually evident,” “visually subordinate.”
- Reinforces the COMMISSION’s tactic of using of land use regulations.
- Adds a section about “climate change,” including a typically non-quantitative prediction.<sup>6</sup> Abandoning reality, this section anticipates that the COMMISSION will mitigate climate change, by influencing activities on the tiny fraction of the Earth’s surface over which the COMMISSION

<sup>3</sup> The “*fully screened*” criterion explicitly devalues the daily viewing experience of residents.

<sup>4</sup> The list of 22 “*key viewing areas*” emphasizes locations accessed by motorists and by day-trippers.

<sup>5</sup> “*Visually discordant*” is one of many adjectives used but not defined in the Draft Plan.

<sup>6</sup> The cited text is verbatim: *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.*

has authority.<sup>7</sup> Consistent with past tactics, this section anticipates implementing additional land use regulations. More prosaically, the section proposes to “*monitor long-term trends*” and to “*develop and adopt a Climate Action Plan.*”

- Increases the number of land use regulations sprinkled amongst its 500 pages, sometimes oddly-specific, but with their specificity arbitrarily adjusted.<sup>8</sup> Each of these regulations will prevent some aspect of human activity, frustrating ambitious residents. Perhaps more-frustrating to the land user are dozens of imprecise regulations also embedded within the text of the Draft Plan, many employing the phrase “*maximum extent practicable.*” Each proposed edit to land use regulations further-burdens the land user. Each of these regulations has an unclear cause-and-effect linkage to either of the ACT’s purposes.

### ***Status Quo or New Start***

The ACT specified two purposes for the COMMISSION, granting it some freedom to interpret. The COMPACT gave the COMMISSION authority (but not obligation) to impose land use regulations.

It is the dozens of land-use regulations embedded into the text of both the Current Plan and the Draft Plan that form the core of these documents. The lengthy prose, the statements of objectives and the numerous adjectives are all irrelevant, serving only to obscure the core.

### **Status Quo: Regulate to suppress and hide human activity**

If the COMMISSION decides to continue its tactic of imposing land-use regulations to suppress and hide human activity, then this Draft Plan could be left as-written. Quibbling over details of these 100,000 words seems unlikely to be productive. For another decade, resident’s activity would be further suppressed and hidden from motorists and day-trippers.

### **New focus, new tactics:**

The COMMISSION is free to redefine its focus and to adopt new tactics. Fully-addressing all aspects of the purposes specified in the ACT, the COMMISSION might develop tactics beyond imposition of land-use regulations. A new Management Plan would then be needed, very different from today’s. Economic activity would receive greater emphasis. “*Scenic resource*” would be defined. Adjectives might be rationed.

This seems a reasonable expectation.

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<sup>7</sup> The area of these 290,000 acres is about 1/500,000 of the surface area of the Earth.

<sup>8</sup> One example of a specific regulation with unclear linkage to the ACT’s purpose; from page 232 of the Draft Plan: *Dwellings should be located on gentle slopes and in any case not on slopes that exceed ~~40~~ 30 percent.*