



TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
RE: Friends' Comments on the Draft Climate Chapter
DATE: June 30, 2020

Thank you for the opportunity to comment on the new draft Climate Change chapter of the Management Plan. Friends of the Columbia Gorge (Friends) is a nonprofit conservation organization with approximately 6,500 members dedicated to the protection and enhancement of the scenic, natural, cultural and recreation resources of the Columbia River Gorge area. Friends supports livable, well-planned communities within the National Scenic Area.

Friends acknowledges the work of the staff to develop a new Climate Change chapter. However, for the past three years the Commission staff assured Gorge Commissioners and the public that the entire Management Plan review would be conducted through the lens of climate change. Now, more than three years after the initiation of plan review, we are not aware of any part of the Management Plan that has been reviewed through the lens of climate change, nor have we seen any documents or proposed revisions that included substantive policies or guidelines to address climate adaption or mitigation.

GMA Policies

1. GMA Policy 1. Page 380.

Comment 1: The proposed Climate Action Plan has no timeline or deadline included. As written, development and implementation could be delayed for many years. Require a one-year deadline for completion of the Climate Action Plan.

Comment 2: Policy 1 is silent on review and approval of the Climate Action Plan. The plan must be reviewed by the Gorge Commission for consistency with the Management Plan and approved by a vote of the Commission.

Friends Recommendation (Proposed revisions in blue bold):

Within one year of the adoption of this Policy, 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 fishing tribes and the Forest Service, and shall involve the public. **The Climate 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.

2. Policy 1. Page 380. Stream and riparian areas.

Comment: The Climate Action Plan needs to require a 200 foot buffer for all fish-bearing streams in the National Scenic Area. Stream buffers in the General Management Area were adopted more than 30 years ago and are inadequate for providing protection of critical habitat for endangered salmon. Salmon habitat protection in the Special Management Areas and on federal forest lands is far more protective and is based on the best available science. Management recommendations for stream protection developed by the Washington Department of Fish and Wildlife that apply elsewhere in Washington are far more protective than the minimal stream buffers that apply in large areas of the National Scenic Area.

<https://wdfw.wa.gov/publications/00029>

The USEPA has developed a draft Cold Water Refuge Plan for the Lower Columbia River that includes several tributaries within the National Scenic Area. Cold Water Refuge (CWR) is essential to the survival salmonids, particularly when temperatures reach 20 degrees in the Columbia River, Species most reliant on CWR include ESA federally-listed summer steelhead and fall Chinook, because the timing of their upstream migration coinciding with peak temperatures on the main stem of the Columbia River.

<https://www.epa.gov/columbiariver/draft-columbia-river-cold-water-refuges-plan>

In 2009, the Gorge Commission determined that the habitat quality of 13 watersheds in the National Scenic Area was either moderate or impaired. None of the watersheds had an overall rating of good for stream habitat quality. Eight of the 13 watersheds were rated as having impaired stream habitat quality. The analysis does not include many important tributaries within the National Scenic Area that provide habitat for ESA listed salmonids, such as Gibbons Creek, Lawton Creek, Duncan Creek, Greenleaf Creek and others.

http://gorgevitalsigns.org/Reports/VSI_SOG_Natural2009.pdf

Friends Recommendation (Proposed revisions in blue bold):

Policy 1. Page 381. 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~~ **fish-bearing** 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.~~

- 3. Policy 1. Page 381. 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.

Comment: This policy should explicitly prohibit conversion of forest land to residential uses.

Friends Recommendation (Proposed revisions in blue bold):

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 **residential use or** any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation.

- 4. Policy 1. Page 381. 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.

Comment: With the increased frequency and intensity of fire due to climate change, new dwellings in forest land should be prohibited. Dwellings in forest land increase the risks of human caused fires, endanger public health, safety, emergency responders and property. The Climate Action Plan should examine prohibiting new dwellings in Large Woodland zones and Small Woodland zones on parcels eligible for, or enrolled in the forest tax assessment program.

Friends Recommendation (Proposed revisions in blue bold):

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 **prohibiting new residential development in forest land**, siting and development standards, building design and materials standards, and other approaches.

- 5. Policy 1. Page 381.**

Comment: The list of issues needs to include ecosystem change, habitat risks, changes to hydrology and the risks of floods. Link these issues to specific policies in the Management Plan.

Friends Recommendation (Proposed revisions in blue bold):

Assess risks and likely changes to ecosystems, Priority Habitats, wildlife, ground water and surface water in the Climate Action Plan. Develop policies to adapt to these risks and avoid adverse effects where possible.



TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
RE: Friends' comments on the Economic Development Draft Revisions
DATE: June 30, 2020

Thank you for the opportunity to comment on the draft revisions for Economic Development chapter of the Management Plan dated April 23, 2020. Friends of the Columbia Gorge (Friends) is a nonprofit conservation organization with approximately 6,500 members dedicated to the protection and enhancement of the scenic, natural, cultural and recreation resources of the Columbia River Gorge area. Friends supports livable, well-planned communities within the National Scenic Area.

GMA Policies

- 1. GMA Policy 3., Page 390. 23.** The Gorge Commission shall support the economic development efforts of the ~~S~~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.~~economic development plans established under the Scenic Area Act.~~ The Gorge Commission recognizes and supports the importance of the economic vitality efforts of regional and community organizations and the four Columbia River treaty fishing 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.

Comment: Friends supports the changes to this draft policy to require the Economic Development Vitality Plan to be consistent with the National Scenic Area Act and the Management Plan. However, it is unclear what it means to say the Gorge Commission shall support the efforts of Oregon and Washington. We recommend deleting the word "shall" from the first sentence.

Friends' recommendation: (Staff draft revisions in red. Friends recommended text in bold blue.)

- 23.** The Gorge Commission ~~shall~~ **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 its Management Plan.** ~~economic development plans established under the National Scenic Area Act.~~ The

Gorge Commission recognizes and supports the importance of the economic vitality efforts of regional and community organizations and the four treaty tribes, pursuant to their economic development strategic plans and as consistent with the purposes and standards of the Act and the Management Plan.

2. **GMA Policy 4, Page 390-391.** Agriculture and forest industries in the Columbia River Gorge shall be protected and supported by:

- preventing fragmentation of the land base ~~and by~~;
- minimizing interference with agricultural and forest practices from conflicting uses;
- ~~enhancing agricultural lands for agricultural uses, forest lands for forest uses and forest lands for agricultural uses;~~
- ~~being consistent with the strategies listed in the Economic Vitality Plan to provide ongoing support for these uses;~~
- ~~encouraging conservation efforts such as renewable energy and water efficiency; and~~
- ~~allowing commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use.~~

Comment: Delete text allowing commercial uses in agricultural zones. Limited commercial uses in agricultural zones are addressed in Part 2, Chapter 7 of the Management Plan. The draft Policy 4 could be interpreted in a way that conflicts with the limited commercial uses allowed in agricultural zones.

Friends' recommendation: (Friends recommended text in bold blue.)

- ~~allowing commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use.~~

3. **GMA Policy 5, Page 391.** The economic vitality of the Gorge economy shall be enhanced by encouraging growth to occur in Urban Areas.

Comment: Friends supports the retention of this policy and clarifying that it refers to the existing boundaries of the urban areas in the National Scenic Area.

5. The economic vitality of the Gorge economy shall be enhanced by encouraging growth to occur **within the existing boundaries** of the ~~in~~ Urban Areas **in the National Scenic Area**.

4. **GMA Policy 6, Page 391.** The following commercial uses may be allowed outside Urban Areas:

F. Commercial events in all GMA designations except Open Space and Agriculture Special, in conjunction with a lawful ~~winery~~, wine sales/or tasting room, ~~bed and breakfast inn~~, commercial use, or dwelling listed in the National Register of Historic Places.

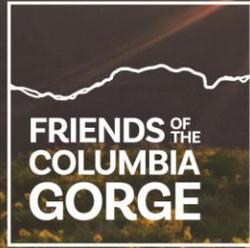
Comment: Policy 6.-F. could be interpreted to allow commercial events at all commercial uses, including home occupations and overnight accommodations. This conflicts with the policies and guidelines for home occupations and overnight accommodations. It would allow them in all land use designations except Open Space and Agriculture Special. This would include short term rentals if the Commission revised the Management Plan to allow these commercial uses. If this interpretation is correct, this would be a major expansion of commercial uses and events within the Scenic Area without any analysis of the effects. Friends recommends either deleting this policy or deleting the term “commercial use” from the guideline.

Friends’ recommendation: (Bold blue strikethrough.)

6. The following commercial uses may be allowed outside Urban Areas:

F. Commercial events in all GMA designations except Open Space and Agriculture Special, in conjunction with a lawful winery, wine sales/tasting room, bed and breakfast inn overnight accommodation, ~~commercial use~~ or dwelling listed in the National Register of Historic Places.

Friends supports the draft revisions to policies 7 through 11.



TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
DATE: June 30, 2020
RE: Comments on proposed revisions to Part II: Land Use Designations of the Management Plan

Friends of the Columbia Gorge (“Friends”) has reviewed the draft Management Plan revisions for Part II: Land Use Designations and offers the following comments. Friends is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Part II: Land Use Designations

Chapter 1 Agricultural Land

- 1. GMA Policy 6, Page 197.** Friends supports the proposed removal of this provision to reflect in the Management Plan what has become standard practice.
- 2. Land Use Policy 3, Page 198.** This policy should be restored. Removing this policy would be a significant change in policy and could result in, for example, repeal of agricultural setbacks in the future. Minimum lot sizes are not enough to prevent conflicts.

Friends proposed revision (Friends’ proposed restored text in blue):

Agricultural land shall be protected from conflicts by limiting the number, size, proximity, and scale of conflicting uses on nearby lands.

- 3. Land Use Policy 6, Page 199.** The “shall” should be “may” to prevent future arguments about whether approval of home occupations and wine sales and tasting rooms is mandatory or optional on Agricultural Lands.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, added text in blue, Commission draft revisions are in red):

The following commercial uses ~~shall~~ **may** be allowed in areas designated Large-Scale or Small-Scale Agriculture: **A. Home occupations. B. Wine sales and tasting rooms in conjunction with a lawful winery.**

- 4. Land Use Policy 7, Page 199.** The “shall” should be “may” to prevent future arguments about whether approval of commercial events is mandatory or optional on Agricultural Lands.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, added text in blue, Commission draft revisions are in red):

Commercial events ~~shall~~ **may** be allowed in areas designated Large-Scale or Small-Scale Agriculture in conjunction with a lawful wine sales or tasting room, commercial use, or dwelling listed in the National Register of Historic Places.

- 5. Land Use Policy 8, Page 199.** The “shall” should be “may” to reflect that “accessory to agricultural use” is not the only approval criteria for agricultural buildings.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, added text in blue):

Agricultural buildings ~~shall~~ **may** be allowed in areas designated Large-Scale or Small-Scale Agriculture if they are shown to be accessory to agricultural use.

- 6. Land Use Policy 9, Page 199.** The “shall” should be “may” to reflect that the two listed criteria are not the only approval criteria for single-family dwellings.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, added text in blue):

Single-family dwellings ~~shall~~ **may** be allowed in areas designated Large-Scale Agriculture when. . . .

- 7. Land Use Policy 12, Page 200.** The “shall” should be “may” to reflect that the two listed criteria are not the only approval criteria for processing and packing of agricultural products and uses that offer direct marketing opportunities.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, added text in blue):

Agriculture ~~shall~~ **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.

- 8. GMA Guideline 1.H.(3)(d). Page 202.** The guidelines for single-family dwellings in conjunction with agricultural use need to be updated. The \$40,000 minimum agricultural capability test adopted in 1991 is out of date and needs to be adjusted for inflation. The inflation rate based on the CPI data from the U.S. Department of Labor Bureau of Labor Statistics is 96.2%, which means \$40,000 in 1991 dollars is approximately \$80,000 in 2020 dollars. This should also be indexed to inflation so this does not need to be revisited. This income capability test also needs to be an income production test, consistent with Oregon law.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, added text in blue):

(3) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(d) Income capability. The farm or ranch, and all its constituent parcels, must ~~be capable of producing~~ at least \$~~40,000~~ **80,000** in gross annual income in 2020 dollars, **adjusted for inflation**. 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~~

Chapter 2 Forest Land

9. Policy 6. Agricultural dwellings on forest land. Delete this policy allowing conversions of commercial forest land to an agricultural dwelling. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, added text in blue):

~~6. Dwellings shall be allowed in conjunction with agriculture on lands designated Commercial Forest Land.~~

10. Policy 7. Page 198. Dwellings in large woodland zones. Delete this policy allowing dwellings in large woodland zones. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, added text in blue):

~~New residences shall be allowed on lands designated Large Woodland if they are shown to contribute substantially to effective and efficient growing, propagation, and harvesting of forest tree species.~~

11. Policy 8. Page 198. Dwellings in small woodland zones. Delete this policy allowing dwellings in small woodland zones, except on parcels that are not suitable for commercial forest uses and are not eligible for the states' forest tax assessment programs. Allowing dwellings in forest land is inconsistent with the Act's requirement to protect forest land for forest uses and prevent the

conversion to residential uses. It increases the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, and protect public safety and property by reducing the threats of human-caused forest fires.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, added text in blue):

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~~

BA. A dwelling is on a parcel shown not to be eligible for enrollment in the subject state's forest assessment program.

- 12. Guideline 1.A. Page 225. Dwellings in large woodland zones.** Consistent with Friends' recommendation to delete policy 7, delete this guideline allowing dwellings in large woodland zones. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, added text in blue):

Delete Guideline 1.A.

- 13. Guideline 1.B. Page 225. Dwellings in small woodland zones.** Consistent with Friends' recommendation to delete policy 8, delete this guideline allowing dwellings in small woodland zones, except on parcels that are not suitable for commercial forest uses and are not eligible for the states' forest tax assessment programs. Allowing dwellings in forest land is inconsistent with the Act's requirement to protect forest land for forest uses and prevent the conversion to residential uses. It increases the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, added text in blue):

On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon ~~the parcel's enrollment in the appropriate state's forest assessment program. Upon~~ a showing that **the parcel is not suitable for commercial forestry and cannot qualify for enrollment in the appropriate state's forest assessment program.** ~~, 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.

14. Guideline 1.C. Page 226. Agricultural dwellings in forest zones. Consistent with Friends’ recommendation to delete policy 6, delete this guideline allowing conversions of commercial forest land to an agricultural dwelling. This guideline is inconsistent with the Act’s requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.

(Friends’ proposed deleted text in blue strikethrough, added text in blue):

Delete guideline 1.C.

15. Guideline 1.N. Page 227. Second agricultural dwellings in forest zones. Consistent with Friends’ recommendation to delete policy 6 and guideline 1.C., delete this guideline allowing conversions of commercial forest land to allow a second dwelling for a farm operator’s relative. This guideline is inconsistent with the Act’s requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, added text in blue):

Delete guideline 1.N.

Chapter 3 Open Space

16. Land Use Policy 2, Page 251. The “shall” should be “may” to reflect that criteria other than not causing adverse effects on the resources to be protected by the Open Space designation still apply in the Open Space zone.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, added text in blue, Commission draft revisions are in green to reflect that they were moved from elsewhere):

Uses ~~shall~~ **may** be allowed in areas designated Open Space that can be undertaken without adverse effect to the resources to be protected.

17. Review Use 1.C, Page 251. If the word “improvement” is to be used then the potentially ambiguous term “improvement” should be defined in the Glossary.

Chapter 4 Residential Land

18. GMA Goal 1, Page 261. The proposal changes a goal of residential land from “protect and enhance the character of existing residential areas” to “maintain the character of existing residential areas.” Protecting and enhancing, or maintaining the character of a residential area could conflict with the Commission’s mandate to protect and enhance the resources of the National Scenic Area. This provision should be stricken.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, Commission draft revisions are in red):

~~Protect and enhance~~ **Maintain** the character of existing residential areas.

19. Land Use Policy 7, Page 264. This provision should not be stricken so that the Commission can fulfill its mandate to protect and enhance recreation resources in the National Scenic Area.

Friends proposed revision (Friends' proposed reinstated text in blue):

Adjacent recreation uses shall be protected from residential development. Buffer areas shall be established between residential development and adjacent recreation uses.

Chapter 7 General Policies and Guidelines

20. GMA Goal 1, Page 261. The proposal changes a goal of residential land from “protect and enhance the character of existing residential areas” to “maintain the character of existing residential areas.” Protecting and enhancing, or maintaining the character of a residential area could conflict with the Commission’s mandate to protect and enhance the resources of the National Scenic Area. This provision should be stricken.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, Commission draft revisions are in red):

~~Protect and enhance~~ Maintain the character of existing residential areas.

21. Land Use Policy 7, Page 264. This provision should not be stricken so that the Commission can fulfill its mandate to protect and enhance recreation resources in the National Scenic Area.

Friends proposed revision (Friends' proposed reinstated text in blue):

Adjacent recreation uses shall be protected from residential development. Buffer areas shall be established between residential development and adjacent recreation uses.

22. Hardship Dwelling Guideline 1.A, Page 344. The proposal changes a guideline for temporary hardship dwellings so that the hardship can be for someone that does not live on the property at the time of the application. The intent of temporary hardship dwellings is so that caregivers can help a person who already occupies an existing dwelling on the parcel, not so that additional dwellings can be built to increase residential density in the National Scenic Area.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, restored text in blue):

A family hardship exists where conditions relate to the necessary care for a ~~family member~~ **member of the family occupying the principal dwelling** and where medical conditions relate to the infirm or aged.

23. Home Occupations Guideline 1.A, Page 346. The proposal changes a guideline for home occupations that would allow three outside employees. Creating employment centers outside of urban areas (e.g., when a CPA establishes a home occupation and moves its office and

employees outside of an urban area) will drain the life from the towns in the National Scenic Area and create more traffic on rural roads. Short term rental overnight accommodations do not normally employ cleaning staff, they contract with cleaning services.

Friends proposed revision (Friends' proposed deleted text in blue strikethrough, restored text in blue):

May employ **only** the residents of the home. ~~and up to three outside employees~~

- 24. Bed and Breakfast Inns Policy 3, Page 348.** Bed and breakfast inns are a commercial use. Commercial uses are prohibited in the SMA. If not prohibited, approval new bed and breakfast inns should needs to be discretionary and based on compliance with guidelines to protect resources. Change “shall” to “may.”

Friends proposed revision (Friends' proposed restored text in blue):

3. In the SMA, bed and breakfast inns associated with residential use **shall may** be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.

- 25. Variances from Setbacks and Buffers GMA Guideline 2.D, Page 357.** There appear to be two typographical errors in this Guideline that should be fixed.

Friends proposed revision (Friends' proposed new text in blue):

The variance shall not be used to permit an addition to a building (including, but 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 **would not encroach** further on the setback.

- 26. Review Uses GMA/SMA Guidelines 7–10, 7, & 7, Page 361–363.** New mineral production and the expansion of existing mines should not be allowed within the National Scenic Area. (There appear to be two typographical errors that number the Guidelines after 10 as 7 and 7.) These 6 Guidelines should be removed.



TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
RE: Gorge 2020 Draft Natural Resources Chapter Revisions
DATE: June 30, 2020

Friends of the Columbia Gorge (Friends) is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends supports many of the technical updates included in the Draft Revised Management Plan. In addition, Friends and hundreds of members of the public identified many of the following technical and substantive deficiencies in the Natural Resource Chapter of the Management Plan during the scoping and in subsequent comment opportunities. Please included these edits in the Final Revised Management Plan.

Natural Resources

No other chapter of the Management Plan is in more need of an overhaul than the natural resources chapter. The natural resource policies and guidelines in the Management Plan have not been updated for nearly 30 years. Since 1991 when the plan was adopted, population has increased in the Gorge and throughout the region, thousands of new residential structures have been built in the Gorge outside of urban areas and clearcut logging has destroyed habitat. Climate changes has increased water temperatures, changed seasonal stream flows and increased the frequency and intensity of forest fires.

Friends appreciates the technical updates included in the Draft Revised Management Plan, however policy revisions are necessary to incorporate the best available science and to comply with the purposes and standards of the National Scenic Area Act (Act) requiring the protection and enhancement of natural resources and the avoidance of adverse effects.

The Act requires the same protection standard for natural resources regardless of whether the resource is in the GMA or the SMA. Yet the GMA standards are much weaker than the SMA and are out of date. GMA policies and guidelines must be revised to provide similar levels of protection as in the SMA.

(Draft revisions are redlined. Friends' recommended revisions are in strikethrough or in blue text.)

GMA Goals: Water Resources

1. **GMA Goal #1, Page 107. Wetlands.** Achieve no overall net loss of wetlands acreage and functions.

Comment: The first purpose of the National Scenic Area Act (“Act”) requires the protection and to provide for the enhancement of natural resources. No distinction is made in the Act between levels of protection for SMA natural resources and GMA natural resources. All natural resources in the scenic area must be protected and enhanced. The “no overall net loss” standard may not be protecting wetlands and does not provide for the enhancement of wetlands. To Friends knowledge, monitoring data is not available or has not been reviewed to assess whether the no net loss standard is fulfilling the purposes and standards of the Act.

Recommendation: Delete the no net loss standard and replace it with the “no loss” standard that applies in the SMAs.

Friends proposed revision (Delete text in blue strikethrough):

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

GMA Policies: Wetlands

2. **GMA Policy 6, Page 108.** New uses shall be sited to avoid wetlands to the greatest extent practicable. New uses that are not water-dependent or water-related shall be allowed in wetlands when less environmentally damaging practicable alternatives do not exist.

Comment: This proposed language could result in adverse effects to wetlands, which is prohibited by the Act and in other sections of the Management Plan. Allowing new uses in wetlands that are not water dependent or water related when less environmentally damaging alternatives exist would allow adverse effects in violation of the Act. At a minimum, in the second sentence “shall” should be replaced with “may.”

Recommendation: Replace with the following: New uses shall be sited to avoid wetlands and any adverse effects to wetlands.

Friends proposed revision (Staff draft revisions in red. Delete text in blue strikethrough):

6. New uses **shall be sited to avoid wetlands and any adverse effects to wetlands** ~~to the greatest extent practicable. New uses that are not water dependent or water related shall be allowed in wetlands when less environmentally damaging practicable alternatives do not exist.~~

3. **GMA Policy 7, Page 108.** Impacts to wetlands ~~shall~~ **may** be allowed only when all practicable measures have been applied to minimize those impacts that are unavoidable and in the public interest.

Comment: This policy would allow adverse effects to wetlands in violation of the Act. Delete Policy 7.

Friends proposed revision (Delete text in blue strikethrough):

~~7. Impacts to wetlands shall may be allowed only when all practicable measures have been applied to minimize those impacts that are unavoidable and in the public interest.~~

GMA Policies: Streams, Ponds, Lakes, Riparian Areas

4. **GMA Policy 1, Page 109.** The ~~stream, pond, lake, and riparian area~~ water resources 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 impede or prevent implementation of Tribes' treaty rights in their ceded lands and aboriginal territories.

Comment: Unless these sections of the Columbia River are designated and mapped as urban areas, there are no exceptions in the Act from the requirements to protect and enhance natural resources and to avoid adverse effects. Friends recommends deleting this entire policy.

Friends proposed revision (Delete text in blue strikethrough):

~~The stream, pond, lake, and riparian area water resources 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 impede or prevent implementation of Tribes' treaty rights in their ceded lands and aboriginal territories.~~

5. **GMA Policy 2, Page 109.** Proposed uses adjacent to streams, ponds, and lakes ~~should~~ shall preserve an undisturbed buffer zone that is wide enough to protect aquatic and **riparian areas**. ~~Low intensity uses may be allowed outright in streams, ponds, lakes, and their buffer zones.~~ 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.

Comment: Revise this policy. Clarify that uses shall not adversely affect water resources.

Friends proposed revision (Friends' proposed new text in bold blue):

Proposed uses adjacent to streams, ponds, and lakes ~~should~~ shall preserve an undisturbed buffer zone that is wide enough to protect aquatic and riparian areas. ~~Low intensity uses may be allowed outright in streams, ponds, lakes, and their buffer zones.~~ Uses with no practicable alternatives 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. **These uses shall not adversely affect water quality, natural drainage, or wildlife habitat.**

6. **GMA Policy 3, Page 109.** New uses that are not water-dependent or water-related ~~shall~~ may be allowed in streams, ponds, lakes, and riparian areas if they are in the public interest and ~~less environmentally damaging~~ practicable alternatives do not exist.

Comment: These uses are review uses subject to compliance guidelines to protect scenic, natural, cultural, and recreation resources. Using shall in this guidelines could mean that the uses shall be allowed regardless of adverse effects that may result. This violates the Act and other parts of this chapter.

Friends proposed revision (Delete text in strikethrough. Friends' proposed new text in bold blue):

New uses that are not water-dependent or water-related ~~shall~~ may be allowed in streams, ponds, lakes, and riparian areas if they are in the public interest, ~~and less environmentally damaging~~ practicable alternatives do not exist **and will not result in adverse effects.**

7. **GMA Policy 4, Page 109.** Practicable measures shall be applied to minimize unavoidable impacts to ~~streams, ponds, lakes, aquatic~~ and riparian areas.

Comment: Clarify that adverse effects are prohibited.

Friends proposed revision (Delete text in strikethrough. Friends' proposed new text in bold blue):

Practicable measures shall be applied to ~~minimize unavoidable impacts~~ **avoid adverse effects** to ~~streams, ponds, lakes, aquatic~~ and riparian areas.

Approval Criteria for Other Review Uses in ~~Wetlands, Aquatic, and Riparian Areas~~ Water Resources

8. **GMA Guideline 1(C), Page 112.** The uses identified in Guideline 21 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

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

Comment: The Act and other sections of this chapter prohibit adverse effects to natural resources. In the second sentence, the term "considered" could be interpreted to mean that the measures are not mandatory and only need to be thought about. "Considered" needs to be replaced with "applied."

Friends proposed revision (Delete text in strikethrough. Friends' proposed new text in bold blue):

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

- 9. GMA Guideline 1.C.(5), Page 113.** 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.

Comment: Culverts inhibit migration of salmonids and result in adverse effects to listed species. If culverts are absolutely necessary, then "oversized culverts with open bottoms should be required and not be discretionary.

Friends proposed revision (Delete text in strikethrough. Friends' proposed new text in bold blue):

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~~ **shall** be used. State agencies with permitting responsibility for culverts shall be consulted.

- 10. GMA Guideline 1. H., Page 113.** Unavoidable impacts to ~~wetlands~~ 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 ~~wetlands~~ water resource impacts.

Restoration, creation, and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream, pond, lake, and/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.

Comment: The first purpose of the Act calls for the protection and enhancement of natural resources. The standards of "no net loss" is a low bar for restoration, creation and enhancement of water quality, natural drainage and wildlife habitat, particularly when considering the impacts of climate change. These projects should improve these resources, not just achieve no net loss of them.

Friends proposed revision (Delete text in strikethrough. Friends' proposed new text in bold blue):

Restoration, creation, and enhancement shall achieve ~~no net loss~~ **improvement** of water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream,

pond, lake, and/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.

11. GMA Guideline 1. H. (10) – (13), Page 114-115.

Comment: Guidelines (10) through (13) discuss destructions of wetlands through approved uses. Destroying wetlands is an adverse effect that is prohibited by the Act and language elsewhere in this section. The draft revised Management Plan deletes many references to wetland destruction, but missed many others. Friends recommends deleting all references to wetland destruction.

Friends proposed revisions: Delete “destroyed” from guidelines (10) through (13).

Water Resource Wetlands Buffer Zones

12. GMA Guideline 2 A., Page 116. 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

Comment: The current buffer zones for water resources in the GMA are more than 30 years old and do not represent the best available science. Critically endangered species, such as the western pond turtle, require a much wider buffer. Western pond turtles nest on average 100 meters from the stream, wetland, pond or lake that they inhabit. Pond turtles spend a considerable part of their life history in upland habitat. (Periodic Status review for the Western Pond Turtle, WDFW, January 2017) Habitat protection for these endangered reptiles needs to be improved to comply with the purposes and standards of the Act.

Friends proposed revision (Delete text in strikethrough. Friends’ proposed new text in bold blue):

Within the range of western pond turtles, a 100 meter buffer zone width, measured from the ordinary high water mark, shall be required.

13. GMA Guideline 2.B., Page 117. Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

Comment: Stream buffers in the General Management Area were adopted more than 30 years ago and are inadequate for providing protection of critical habitat for endangered salmon. Salmon habitat protection in the Special Management Areas and on federal forest lands is far more protective and is based on the best available science. Management recommendations for stream protection developed by the Washington Department of Fish and Wildlife that apply elsewhere in Washington are far more

protective than the minimal stream buffers that apply in large areas of the National Scenic Area. <https://wdfw.wa.gov/publications/00029>

The USEPA has developed a draft Cold Water Refuge Plan for the Lower Columbia River that includes several tributaries within the National Scenic Area. Cold Water Refuge (CWR) is essential to the survival salmonids, particularly when temperatures reach 20 degrees in the Columbia River, Species most reliant on CWR include ESA federally-listed summer steelhead and fall Chinook, because the timing of their upstream migration coinciding with peak temperatures on the main stem of the Columbia River.

<https://www.epa.gov/columbiariver/draft-columbia-river-cold-water-refuges-plan>

In 2009, the Gorge Commission determined that the habitat quality of 13 watersheds in the National Scenic Area was either moderate or impaired. None of the watersheds had an overall rating of good for stream habitat quality. Eight of the 13 watersheds were rated as having impaired stream habitat quality. The analysis does not include many important tributaries within the National Scenic Area that provide habitat for ESA listed salmonids, such as Gibbons Creek, Lawton Creek, Hamilton Creek, Greenleaf Creek, and others.

http://gorgevitalsigns.org/Reports/VSI_SOG_Natural2009.pdf

GMA Water Resource Buffers: Friends offers two options. Option number 1 is the preferred option because it has already been implemented on nonfederal land in the Special Management Areas (SMA) since 1992. Option 2 would adopt the WDFW recommendations.

1. Apply the SMA water resource buffers in the GMA. This includes requiring 200-foot buffers for perennial fish bearing streams. Allow variances to the buffers if they conflict with another natural resource buffer or would result in no beneficial economic use of a property. Variances could be granted if there are no practicable alternatives to the location and scope of the proposed use or development and the variance is the minimum necessary to allow the new use or development.
2. At a minimum, incorporate the WDFW Management Recommendations for Riparian Habitat into the Management Plan. Prohibit uses and development that are likely to adversely affect riparian and stream systems. Allow variances to the buffers if they conflict with another natural resource buffer or would result in no beneficial economic use of a property. Variances could be granted if there are no practicable alternatives to the location and scope of the proposed use or development and the variance is the minimum necessary to allow the new use or development. Recommended stream buffers are found on page 87.

<https://wdfw.wa.gov/sites/default/files/publications/00029/wdfw00029.pdf>

Table 3. Standard recommended Riparian Habitat Area (RHA) widths for areas with typed and non-typed streams. If the 100-year floodplain exceeds these widths, the RHA width should extend to the outer edge of the 100-year floodplain.

Stream Type	Recommended RHA widths in meters (feet)
Type 1 and 2 streams; or Shorelines of the State, Shorelines of Statewide Significance	76 (250)
Type 3 streams; or other perennial or fish bearing streams 1.5-6.1 m (5-20 ft) wide	61 (200)
Type 3 streams; or other perennial or fish bearing streams <1.5 m (5 ft) wide	46 (150)
Type 4 and 5 streams; or intermittent streams and washes with low mass wasting* potential	46 (150)
Type 4 and 5 streams; or intermittent streams and washes with high mass wasting* potential	69 (225)

*Mass wasting is a general term for a variety of processes by which large masses of rock or earth material are moved downslope by gravity, either slowly or quickly.

The following are important additions to the recommended RHA widths in Table 3:

- Larger RHA widths may be required where priority species occur; consult Appendix D for these widths.
- Add 30 m (100 ft) to the RHA's outer edge on the windward side of riparian areas with high blowdown potential.
- Extend RHA widths at least to the outer edge of unstable slopes along Type 4 and 5 waters in soils of high mass wasting potential.

Activities Within RHAs. The scientific literature supports the maintenance of riparian habitat areas as restricted-use zones. The restricted-use area should apply to all future developments that affect riparian habitat, and it should guide restoration of degraded areas. Activities that may affect riparian habitat features important to fish and wildlife should be carefully conducted within the RHA. Activities that degrade the structural and functional integrity of riparian habitat and associated aquatic systems should be minimized. Examples of activities that may affect riparian habitat features include tree cutting, road building, agriculture, grazing, clearing, earth moving, mining, filling, burning, or construction of buildings or other facilities.

Friends proposed revision (Delete text in strikethrough. Friends' proposed new text in bold blue):

B. Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: ~~100~~ **200** feet.

Site Plans and Field Surveys for Review Uses Near **Sensitive Rare** Plants

14. Guideline 2, Page 131. A field survey to identify sensitive rare plants shall be required for

- land divisions that create four or more **parcels**;
- recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities;
- public transportation facilities that are outside improved rights-of-way;
- 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 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.

Comment: The list of uses requiring field surveys is under-inclusive and omits many review uses that could adversely affect rare plants. All proposed new uses that would involve ground disturbance should require a rare plant survey, if located within 1,000 of a

rare plant, unless previously surveyed. Finally, notices of development review should include a statement that the proposed use is within 1000 ft. of a rare plant, but without specifying its location.

Friends' proposed revision (Delete text in strikethrough. Friends' proposed new text in bold blue):

F. Review uses involving ground disturbance within 1,000 feet of a rare plant site, unless previously surveyed within the past 10 years. Notice of development review shall contain a statement that the proposed development is within 1,000 feet of a rare plant.

15. GMA/SMA: Practicable Alternative Test, Page 134, Page 147.

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.

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 or plant areas and/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, wildlife or plant areas and/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.

Comment: Due to the vague language in the practicable alternatives test ("PAT"), it is often misapplied. The purpose of the PAT is to identify alternative proposals that do not adversely affect a protected resource. The test must ensure that natural resources are not adversely affected by proposed uses.

Friends' proposed revision (Delete text in strikethrough. Friends' proposed new text in bold blue):

1. An alternative site, **size, scope, configuration, design or scale** for a proposed use shall be considered practicable if it is available and the **basic proposed** use can be undertaken on that site ~~after taking into consideration cost, technology, logistics, and basic overall project purposes.~~

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 or plant areas and/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, wildlife or plant areas and/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.



TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
RE: Gorge 2020 Draft Recreation Resources Chapter Revisions
DATE: June 30, 2020

Friends of the Columbia Gorge (Friends) is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

The Gorge Commission stated at the beginning of the plan review process that recreation would be a primary focus due to congestion issues as well as missed opportunities to improve recreation experiences. While many of the policy revisions modernize the Management Plan, these changes aren't adequate to address the recreation issues people are most concerned about.

The policies in the recreation section do not constitute a comprehensive plan for recreation and without it these problems will continue to grow. We believe the agencies and partners should work together towards a comprehensive review of the current and future recreation concerns that exist throughout the Gorge. In addition, we advocate for the Climate Resiliency Plan to include recreation based transportation needs, and considered in adopting future climate resiliency solutions.

Friends supports many of the technical updates included in the Draft Revised Management Plan. In addition, Friends and hundreds of members of the public identified many of the following technical and substantive deficiencies in the Recreation Resource Chapter of the Management Plan during the scoping and in subsequent comment opportunities. Please included these edits in the Final Revised Management Plan.

Recreation Resources Chapter:

GMA Objectives

- 1. GMA Objective 2 and 3, Trails and Pathways, Page 167.** Friends recommends combining the two into one objective. Combining the two objectives that share the goal of connectivity makes sense as communities work to connect to one another through trail systems.

Friends proposed revision (Delete text in blue strikethrough, new text in bold blue, Commission draft revisions are in red):

~~2. Provide trails linking Urban Areas and the Portland/Vancouver metropolitan area to expand recreation opportunities and establish a loop trail around the Scenic Area.~~

~~3. Establish a loop trail around the Scenic Area.~~

2. **GMA Objective 6.D, Trails and Pathways, Page 168.** Friends recommends keeping objective as is. The Scenic Area is inextricably linked to public and conserved lands adjacent to its boundary and removing this objective lowers the possibilities of significant trail systems in the future. In addition, as natural disasters can impact current trail connections that run both in and outside the boundary of the Scenic Area, Friends has concerns that elimination of this objective can impede future reconnection efforts. We would like more clarity on the necessity of eliminating this objective.

Friends proposed revision (New language in bold blue, Commission draft revisions are in red):

~~D. Provide trail linkages between Scenic Area trail opportunities and trails in the National Forests and other public lands north and south of the Scenic Area.~~

D. Provide trail linkages between Scenic Area trail opportunities and trails in the National Forests and other public lands north and south of the Scenic Area.

GMA Policies

3. **GMA Policy 8, Trails and Pathways, Page 169.** Friends recommends keeping objective as is. Completing and improving existing trails, completing incomplete trail loops and segments should remain a priority in the Scenic Area and remains a priority among the agencies' trail steward partner groups.

Friends proposed revision (New language in bold blue, Commission draft revisions are in red):

~~8. Priority shall be given to the completion and improvement of existing trails, incomplete trail loops, and trail segments, considering relationships with trails in Urban Areas, the SMA, and outside the Scenic Area.~~

8. Priority shall be given to the completion and improvement of existing trails, incomplete trail loops, and trail segments, considering relationships with trails in Urban Areas, the SMA, and outside the Scenic Area.

GMA Guidelines

4. **GMA Guidelines, Approval Criteria for Recreation Uses 1.D(3), Page 179.** Friends recommends rewording the objective. The new language can be interpreted broadly and we believe that specific measures, such as installing boot brushes, will provide tangible benefits.

Friends proposed revision (New language in bold blue, Commission draft revisions are in red):

D.(3) Applications for new trails or trailheads shall take measures to reduce address and minimize the potential spread of noxious weeds by requiring boot brushes and educational signage.

5. **GMA Guidelines, Approval Criteria for Recreation Uses 1.D(4), Page 180.** Friends recommends rewording this objective. The new language provided by staff is difficult to understand and our edits are proposed to clarify and simplify the language.

Friends proposed revision (New language in bold blue, Commission draft revisions are in red):

D.(4) Applications for new trails or trailheads shall evaluate the potential for fire risk during critical fire hazard periods, and consider that evaluation in developing the physical and managerial setting of the site.

D.(4) Applications for new trails or trailheads shall consider the potential of fire risk in developing the physical and managerial setting of the site.



TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
RE: Comments on the Draft Scenic Resources Chapter Revisions
DATE: June 30, 2020

Friends of the Columbia Gorge (Friends) is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends supports many of the technical updates included in the Draft Revised Management Plan. In addition, Friends and hundreds of members of the public identified many of the following deficiencies in the scenic resource chapter of the Management Plan during the scoping and in subsequent comment opportunities. Please included these edits in the Final Revised Management Plan.

Scenic Resources:

Overall GMA Policies

- 1. GMA Policy #1, Management Plan Page 35.** Friends recommends deleting this policy or clarifying it based on the Oregon Supreme Court's decision that GMA Policy 1 requires developments to comply with the applicable scenic standard to the maximum extent practicable or be denied.

Friends proposed revision (Delete text in blue strikethrough. New language in bold blue):

- ~~1. Except for production and/or development 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.~~

Alternatively, retain the current policy and add the text below.

Proposed developments that fail to comply with these guidelines to the maximum extent practicable will result in the denial of the development.

2. **GMA Policy #2, Page 35. Agriculture and forest practices.** This policy exempts agriculture and forest practices from regulation under the scenic chapter. Clarify that conditions of approval requiring retention of vegetation for screening development from KVAs is an exception to this policy.

Friends proposed revision (New language in bold blue, Commission draft revisions are in red):

2. The goals, objectives, policies, and guidelines in this chapter shall not affect agriculture or forest practices, ~~nor equipment or structures (other than buildings) associated with such practices, such as irrigation equipment or orchard fans,~~ **except for conditions of approval requiring retention of vegetation for screening development from KVAs.**

3. **GMA Policy 6, Page 36. New development called for in the National Scenic Area Act.** This policy does not require full compliance with the scenic standard. This presents a fairness and equity issue where private and other public development is held to a stricter standard. All development should meet the applicable scenic standard. Delete “to the maximum extent practicable” from this policy.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, Commission draft revisions are in red):

6. ~~The Gorge Discovery Center~~ **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 seen from key viewing areas and compatible with ~~its~~**their** landscape setting ~~to the maximum extent practicable~~, consistent with ~~its~~**the** facility’s mission.

GMA Guidelines

4. **GMA Guideline 2, Page 36. Compatibility.** New development is required to be compatible with the general scale of existing nearby development. Expansion of existing development must be compatible to the maximum extent practicable. This guideline has not been consistently applied throughout the scenic area and has been the subject of several appeals. The guideline should be clarified to expressly require compatibility in exterior visible volume and exclude buildings that are significantly larger than the rest of the buildings from the compatibility analysis. The term “maximum extent practicable” should be deleted. **The compatibility standard is lacking in the SMA and needs to be added.**

Friends proposed revision (Restored language in bold blue, deleted language in blue strikethrough, Commission draft revisions are in red):

2. New buildings **and additions** shall be compatible with the general **exterior** scale ~~(height, dimensions and overall mass)~~ **(height, dimensions and overall mass)** of existing nearby development. Expansion of existing development shall comply with this guideline ~~to the maximum extent practicable~~.

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 volume square footage;
 - (2) Total area and height of covered decks and porches;
 - (3) Volume of attached garages;
 - (4) Above-ground volume of daylight basements;
 - (5) Area and height of breezeways, if the breezeway shares a wall with an adjacent building; and
 - (6) Height, 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 defined study area of the proposed development that are significantly larger in size than the rest of the buildings in the study area ~~should~~ shall be removed from this evaluation.

Key Viewing Areas - GMA Guidelines

- 5. **New Guideline, Page 40. Railroads.** Clarify that new rail development, including new tracks, must meet the applicable scenic standard. Evaluation of the scenic impacts must include the trains that would travel on the new rail development or are paused or stored on proposed sidings or double tracks.

Friends proposed new guideline (New language in bold blue):

New rail development, including new tracks, must meet the applicable scenic standard. Evaluation of the scenic impacts must include the trains that would travel on the new rail development or are paused or stored on proposed sidings or double tracks.

- 6. **New Guideline, Page 40. New roads and parking areas.** Clarify that the evaluation of new roads and parking areas for compliance with the applicable scenic standard must include the vehicular use of the road or parking area.

Friends proposed new guideline (New language in bold blue):

Evaluation of new roads and parking areas, or their expansion, shall include analysis of the visual impacts of the vehicular use of the road or parking area.

- 7. **GMA Guideline #2, Page 40. Siting to achieve visual subordination:** Siting new development to achieve the visual standard is required unless it conflicts with natural

resource protection buffers. The Commission staff has proposed to require new development to comply with this guideline to the maximum extent practicable. Friends recommends adding new language requiring berms and vegetation to meet the visual subordination standard.

Friends proposed revision (New language in bold blue, deleted language in strikethrough, Commission proposed language in red):

2. Each development shall be visually subordinate to its setting as seen from key viewing areas. New development shall be sited to achieve visual subordination 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 and, if necessary, new development shall be screened with berms and vegetation to be rendered visually subordinate.

8. **GMA Guideline #3, Page 40. Cumulative effects.** The Act prohibits adverse effects to scenic resources. The Management Plan currently requires evaluation of cumulative effects, but does not explicitly prohibit adverse effects to scenic resources. The existing language should be clarified to explicitly prohibit adverse cumulative effects.

Friends proposed revision (New language in bold blue, deleted language in strikethrough):

3. Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments. **Proposed development shall avoid adverse cumulative effects or be denied.**

9. **GMA Guideline #4, Page 41. Conditions applied to proposed development to achieve visual subordination.** Further clarify Guideline #4 to establish a hierarchy of conditions to achieve visual subordination starting with the most permanent, which is siting. First and foremost, new development should be sited to achieve visual subordination.

Friends proposed revision (New language in bold blue, deleted language in strikethrough, Commission staff proposed in red):

4. The extent and type of conditions applied to ~~various elements of a~~ proposed developments to ~~ensure they are visually subordinate~~ achieve visual subordination to their landscape setting shall be proportionate to its potential visual impacts as seen from key viewing areas. **Conditions shall be prioritized and applied in the following order to achieve visual subordination** ~~Conditions may include, and shall be prioritized, including but not limited to in order of condition to utilize:~~

- A. Siting, **using existing topography** (location of development on the subject property, building orientation, and other elements).
- B. **Siting, using and retaining** ~~Retention of~~ existing on-site vegetation.
- C. Design (color, reflectivity, size, shape, height, architectural and design details and other elements).
- D. New landscaping **and berms to provide year around screening**.

10. Guideline #5, Page 41. Topography and vegetation. Topography must be given a higher priority over existing vegetation for siting new developments because it is more permanent.

Site plans and conditions of approval must require new landscaping to be sufficient to screen the development within five years. If it does not, then it becomes an enforcement issue. Requiring additional screening vegetation five or more years after the land use decision is final is impractical and may raise finality issues. Delete the last sentence in guideline 5B.

Friends proposed revision (New text in blue bold, deleted text in blue strikethrough, Commission staff proposed in red underline):

5. New development shall **first** be sited using existing topography and ~~or~~ **then using** existing vegetation as needed to achieve visual subordination from key viewing areas.

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

- 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 vegetation be required by the local government to make the development visually subordinate.~~

11. GMA Guideline #10, Page 42. Non reflective or low reflective materials. Continuous glass surface must be minimized on the exterior of buildings visible from key viewing areas. Year-round screening must be required for glass surfaces on portions of new buildings that would be visible from key viewing areas.

Friends proposed revision (New text in blue bold, deleted text in strikethrough Commission staff proposed in red):

10. The exterior of buildings ~~on lands seen from key viewing areas~~ shall be composed of non-reflective materials or materials with low reflectivity, ~~unless the structure would be fully screened from all key viewing areas by existing topographic features.~~ Continuous Ssurfaces of glass exposed to key viewing areas shall be limited and screened year-round to ensure visual subordination. The Scenic Resources Implementation Handbook ~~will include~~includes a list of recommended exterior materials. ~~These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets recommended thresholds in the “Visibility and Reflectivity Matrices” in the Implementation Handbook (once they are created).~~ ~~Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.~~ screening methods.

12. SMA grading guidelines are needed: Substantive standards regulating grading need to be added to the SMA guidelines.

13. Compatibility of new development in the SMAs. The SMA scenic resource guidelines lack any compatibility requirements. Add the GMA compatibility guideline to the SMA section.

Friends proposed revision: Add the GMA compatibility guideline to the SMA guidelines.

Landscape Settings

GMA Guidelines

14. Screening trees in all landscape settings, Pages 48-60. All landscaping required for screening purposes should provide year-round screening. However, the landscape setting guidelines require that only ¼ to ½ of trees planted for screening purposes be coniferous for winter screening. In the Grassland setting, screening trees are discouraged and there is no requirement for coniferous trees when screening vegetation is required. This severely limits the ability to render new development visually subordinate.

Friends proposed revision: In all landscape settings, require coniferous trees for year-round screening where new vegetation is needed to meet visual subordination.



TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
RE: Friends' comments on draft Urban Area Boundary Chapter Revisions
DATE: June 30, 2020

Thank you for the opportunity to comment on the draft edits to the Revision of Urban Area Boundaries section of the Management Plan. Friends of the Columbia Gorge (Friends) is a nonprofit conservation organization with approximately 6,500 members dedicated to the protection and enhancement of the scenic, natural, cultural, and recreation resources of the Columbia River Gorge National Scenic Area. Friends supports livable, well-planned communities within the National Scenic Area.

1. Title: Revision of Urban Area Boundaries, Page 414.

Comment: The National Scenic Area Act (Act) allows for “minor revisions to the boundaries of any urban area”, but the term “minor” is missing from the chapter title. “Minor” should be added to the title of this section.

Friends proposed revision (New text in bold blue):

Minor Revision of Urban Area Boundaries

- 2. Introduction. Page 414.** The Act requires the Gorge Commission to protect and enhance scenic, natural cultural and recreation resources; agricultural land, forest land and open space. It also requires the protection and support for the economy of the National Scenic Area by encouraging growth to occur in existing urban areas. This introductory text should be corrected to accurately describe the Commission’s role in the Act.

Friends proposed revision (Friends’ revisions in bold blue deletions in blue strikethrough, staff proposed revisions in red underline):

In doing so, the Act ~~enables~~ **requires** 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 **protecting and supporting** ~~and serving the needs~~ the economy by encouraging growth to occur in ~~of the thirteen~~ Urban Areas.

Policies

3. **Policy 3. Page 415.** The Gorge Commission 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, 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).

Comment: The proposed policy is problematic in two ways. First, the Gorge Commission does not “only approve” applications. According to sec. 4(f)(1) of the Act, the Commission “may make minor revisions” to urban area boundaries, subject to compliance with the criteria. Second, sec. 4(f)(1) requires consultation with the Secretary of Agriculture on **all** applications for minor revisions to urban area boundaries (not just revisions involving Special Management Area boundaries).

Friends’ proposed revision (New language in bold blue, deleted language in blue strikethrough Commission staff proposed in red):

3. ~~The Gorge Commission can only approve applications to revise a boundary of an Urban Area adjacent to the General Management Area.~~ **Proposed revisions to an urban boundary and the General Management Area require consultation with the Forest Service.** ~~Revisions to a boundary between an Urban Area and a Special Management Area, 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).~~

4. **Policy 4. (p. 415).** 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.

Comment: The timing for informing the Commission of intent to seek a boundary revision should be more specific and should take place prior to the submission of the requested budget to the governors.

Friends proposed revision (New language in bold blue, deleted language in blue strikethrough Commission staff proposed in red):

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.~~ **Counties shall inform the Gorge Commission of their intent to seek an Urban Area boundary revision prior to the submission of the Commission’s requested biennial budget to the governors in order** ~~time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.~~

5. **Policy 8. Page 416.** 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. 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 20 acres or 1%, whichever is less, is not minor.

Comment: The proposed new policy 8.A.i. should be clarified to include no net *increase* in total area of the urban area. Proposed revisions that involve the reduction in total area would likely be considered minor. The proposed new policy 8.A.ii. should be clarified to apply to revisions *up to* 20 acres or 1% of the total area. The word “if” at the beginning of the sentence is a typo and should be deleted. Friends supports policy 8.B. Without this policy the National Scenic Area is threatened by incremental urban sprawl.

Friends’ proposed revision (New language in bold blue, deleted language in blue strikethrough, Commission staff proposed in red):

- i. the revision involves no net ~~change~~ **increase** in the total area of the Urban Area, or
- ii. ~~if~~ the revision is cumulatively **over time not greater than** 20 acres or 1% of the total area of the Urban Area, whichever is less, ~~or~~

6. **Policy 9, page 416.** Land formerly in an Urban Area that is transferred into the General Management Area should not contain development or urban facilities that is inconsistent with the purposes and standards in sections 3 and 6 of the Act.

Comment: Friends is concerned that it would be inconsistent with the Act to transfer nonconforming urban uses out of urban areas into the GMA. Replace the term “should” with “shall.” Add consistency with the Management Plan.

Friends proposed revision (New language in bold blue, deleted language in blue strikethrough, Commission staff proposed in red):

- 9. Land formerly in an Urban Area that is transferred into the General Management Area ~~should~~ **shall** not contain development or urban facilities that **are** ~~is~~ inconsistent with the purposes and standards in sections 3 and 6 of the Act **or the Management Plan.**

7. **Policy 10.B. Page 416.** 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.

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.

Comment: Friends general supports Policy 10 A. through E. However, policy 10.B. needs to require an analysis of land supply and need for *all* thirteen urban areas, not just urban areas around the bridges. There is a large surplus of urban area lands within the National Scenic Area and a boundary should not be revised for one urban area while thousands of acres of vacant or underutilized lands exist in urban areas throughout the National Scenic Area. Requiring analysis of land supply and need for all urban areas is most consistent with the purposes and standards of the Act, and consistent with section 4(f)(2)(A).

Friends proposed revision (New language in bold blue, deleted language in blue strikethrough, Commission staff proposed in red):

B. Determinations of compliance with section 4(f)(2)(A) ~~Urban Area that adjoin or are near to one of the three Columbia River bridges in the National Scenic Area shall, at a minimum, include consideration of land supply and need of the other Urban Areas. that adjoin or are near to that bridge and other nearby Urban Areas.~~

8. **Policy 11. Page 417.** The Gorge Commission may require the local government to adopt enforceable conditions of approval to ensure land added to an Urban Area is used only to satisfy the demonstrated needs that were the basis for adjustment.

Comment: Require enforceable conditions of approval to ensure that lands taken out of the GMA and into urban areas are used only to satisfy the need that was the basis for the revision.

Friends' proposed revision (New language in bold blue, deleted language in blue strikethrough, Commission staff proposed in red):

11. The Gorge Commission ~~may~~ **shall** require the local government to adopt enforceable conditions of approval to ensure land added to an Urban Area is used only to satisfy the demonstrated needs that were the basis for ~~the boundary revision~~ **adjustment**.