

Open Space

The Columbia Gorge's diverse open space resources have in large part accounted for its reputation for superlative scenery, unique and varied ecosystems and habitats, rich heritage, and quality recreation opportunities. Unlike remote wilderness areas, the Gorge has long been a major transportation and commercial corridor, containing within its bounds major highways, federal dams, railroads, and numerous settlements. Despite this, many of its inspiring vistas, historic sites, and natural areas remain intact. These open spaces typify the features of the Gorge that make it such a special place. They offer a glimpse into a region blessed with outstanding resources, yet readily accessible for public enjoyment and enrichment.

SCENIC AREA ACT PROVISIONS

The Scenic Area Act calls upon the Gorge Commission to "protect and enhance open spaces." The Act also charges the Gorge Commission to designate land suitable for the protection and enhancement of open spaces. The Act [Section 2(l)] defines open spaces to include:

1. Scenic, cultural, and historic areas;
2. Fish and wildlife habitat;

3. Lands which support plant species that are endemic to the scenic area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
4. Ecologically and scientifically significant natural areas;
5. Outstanding scenic views and sites;
6. Water areas and wetlands;
7. Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
8. Potential and existing recreation resources; and
9. Federal and State wild, scenic, and recreation waterways.

KEY ISSUES

Open spaces represent some of the most significant and sensitive resources in the Scenic Area. A variety of techniques are employed in the Management Plan to protect these resources. They include regulating uses in and around the resources through application of guidelines to protect scenic, cultural, natural, and recreation

resources, and incentive programs to encourage landowners to protect such resources.

In some cases, the resources are so sensitive and significant that their protection requires designating them as Open Space. This land use designation is designed to protect such resources from uses that could adversely affect them. Some of the traditional land uses in the Gorge, such as farming, forestry, mining and residential development, could threaten the integrity of these important and potentially vulnerable resource areas mandated for protection in the Act. The protection and enhancement needs of these resources pose a significant challenge in the Management Plan.

A key issue related to this challenge involves the land use restrictions necessary to implement the Act's open space mandates. In some cases, this has necessitated limiting some existing or potential uses that may have economic value to landowners. Specifically, the need to retain reasonable economic uses on private lands while protecting open space resources presents a particularly difficult issue. In response, the Gorge Commission and Forest Service have applied the Open Space designation with great care, where it is the only effective way of meeting the Act's mandates.

OVERVIEW OF OPEN SPACE PROVISIONS

The policies for the GMA list the criteria used to determine which lands in the GMA qualify as Open Space. The policies also direct the Gorge

Commission to help landowners prepare stewardship programs that protect and enhance open space resources. Stewardship programs may foster acquisition of open space lands where acquisition fulfills the objectives of a landowner.

The GMA guidelines include a list of uses that may occur on all lands designated Open Space. Guidelines for specific Open Space areas, such as Gorge Walls and Canyonlands or Chenoweth Natural Area, list additional uses that may be allowed. Most uses in Open Space may occur without review by a county planning department or the Gorge Commission. However, the Open Space guidelines do require some uses to be reviewed. For example, recreation uses can occur in Open Space only if they are found to comply with the guidelines for recreation intensity classes (Part I, Chapter 4: Recreation Resources). Some uses must satisfy conditions listed in the Open Space guidelines themselves. For example, the Oregon Natural Heritage Program must be consulted before scientific research may occur in the Chenoweth Natural Area.

The SMA policies establish four subcategories of Open Space: scenic, natural, wildlife, and cultural. They also require a management plan to be prepared for each Open Space area. The plans help ensure that sensitive open space resources are protected and enhanced. The elements to be addressed in each plan are listed in the SMA guidelines.

The SMA guidelines include a list of uses that may occur in Open Space without being reviewed by a county

planning department or the Forest Service. The SMA guidelines also specify uses that may be allowed in Open Space after a review determines

they comply with the guidelines in the Management Plan that protect scenic, cultural, natural, and recreation resources.

GMA PROVISIONS

GMA Goal

Protect those most significant and sensitive scenic, cultural, natural, and recreation resources on unimproved lands from conflicting uses and enhance them where appropriate.

GMA Objectives

1. Encourage the Secretary of Agriculture to revise the boundaries of the SMA to include private lands in the GMA that are designated Open Space and that lie adjacent to or nearby an existing SMA boundary.
2. Encourage Congress to establish an SMA to protect the remarkable scenic, cultural, natural, and recreation resources of the GMA Gorge Walls and Canyonlands Open Space area along the Historic Columbia River Highway between Hood River and Mosier.

GMA Policies

1. Only the most significant and sensitive scenic, cultural, natural, and recreation resources shall be designated as Open Space.
2. Land shall be designated as Open Space only if the use limitations are consistent with landowner objectives, or if all of the following circumstances exist:
 - A. Uses authorized by alternative designations threaten a documented resource.
 - B. Protection of the resource is demonstrably in the public interest over the long term.
 - C. All reasonable alternative means that might protect the resource and achieve landowner objectives have been considered and found not to provide adequate protection for the resource.
 - D. No lands with improvements exist within the boundaries of the Open Space.

- E. Landowners have reasonable economic uses of the balance of their properties.
- 3. The Gorge Commission shall work with owners of lands designated Open Space to develop a program of stewardship that protects Open Space resources and achieves landowner objectives.

Where consistent with landowner objectives, the stewardship program should encourage appropriate public and private agencies to acquire interests in Open Space lands and should inform landowners of tax and other incentive programs.

The Gorge Commission shall establish priorities for acquisition or exchange of lands whose owners object to the Open Space designation, and shall facilitate acquisition or exchange prior to its first review of the Management Plan.

During its first review of the Management Plan, the Gorge Commission shall review the stewardship programs and the Open Space designations of areas containing lands whose owners object to the designation. Such reviews shall take into account acquisitions and exchanges completed since plan adoption.

- 4. Improved lands shall not be designated Open Space. For purposes of this chapter, improved lands are those upon which a structure or use subject to county ad valorem property taxation has been constructed or is being undertaken.
- 5. Open Space designation shall be applied to those most outstanding scenic areas that are highly visible in the foreground or middle ground from the Columbia River or scenic travel corridors and that are sensitive to uses that the Gorge Commission may not manage by regulation (such as forest practices).
- 6. Generally, well defined geographic areas that possess large concentrations of cultural resources shall be designated Open Space.
- 7. Undeveloped portions of state park lands suitable for low-intensity recreation and unsuitable for major recreation facilities shall be designated Open Space.
- 8. Those wetlands with remarkable values, such as sensitive wildlife habitat or rare plant species, that are susceptible to disturbance from use and development shall be designated Open Space.
- 9. Open Space designations shall be applied to those most significant and sensitive natural areas that are susceptible to disturbance from use and development.
- 10. Uses shall be allowed in areas designated Open Space that can be undertaken without adverse effect to the resources to be protected.

11. Habitat areas of animal species that are classified as endangered or threatened by federal or state endangered species acts or the Washington Wildlife Commission may be designated Open Space.
12. Uses authorized on private land designated Open Space shall be allowed with landowner permission only.

GMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, GMA and SMA Open Space" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Open Space.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) may be allowed with review through the expedited development review process on lands designated Open Space.

Review Uses--All Lands Designated Open Space

1. The following uses may be allowed on all lands designated Open Space subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Low-intensity recreation, subject to the guidelines for recreation intensity classes (Part I, Chapter 4: Recreation Resources).
 - B. Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources.
 - C. Repair, maintenance, operation, and improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.
 - D. Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.
 - E. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

- F. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
- G. Lot line adjustments, subject to compliance with the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

Review Uses—Specific Lands Designated Open Space

Gorge Walls and Canyonlands

1. The following uses may be allowed on lands designated Open Space for Gorge Walls and Canyonlands subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Livestock grazing.
 - B. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
 - C. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.
 - D. Harvesting of wild crops.
 - E. Educational or scientific research.
 - F. Continued operation of existing quarries, if they are determined to be consistent with guidelines to protect scenic, cultural, natural, and recreation resources.
 - G. All those uses allowed in "All Lands Designated Open Space," above.

Mosley Lakes Natural Area

1. The following uses may be allowed on lands designated Open Space for the Mosley Lakes Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
 - B. Educational or scientific research, after consultation with the Washington Natural Heritage Program.
 - C. Commercial trapping.
 - D. All those uses allowed in "All Lands Designated Open Space," above.

Chenoweth Table Natural Area

1. The following uses may be allowed on lands designated Open Space for the Chenoweth Table Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Low-intensity recreation, subject to the guidelines for recreation intensity classes (Part I, Chapter 4: Recreation Resources), after consultation with the Oregon Natural Heritage Program.
 - B. Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon Natural Heritage Program.
 - C. Educational or scientific research, after consultation with the Oregon Natural Heritage Program.
 - D. All those uses allowed in "All Lands Designated Open Space," above.

Squally Point Natural Area

1. The following uses may be allowed on lands designated Open Space for the Squally Point Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for recreation intensity classes (Part I, Chapter 4: Recreation Resources), after consultation with the Oregon Natural Heritage Program.
 - B. Repair and maintenance of railroads, except measures to stabilize dunes, after consultation with the Oregon Natural Heritage Program.
 - C. Except as limited by Guideline 1.A above, all those uses allowed in "All Lands Designated Open Space," above.

Klickitat River Wildlife and Natural Area

1. The following uses may be allowed on lands designated Open Space for the Klickitat River Wildlife and Natural Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Low-intensity recreation, subject to the guidelines for recreation intensity classes (Part I, Chapter 4: Recreation Resources), after consultation with the Washington Natural Heritage Program and Washington Department of Wildlife.

PART II-Land Use Designations

- B. Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.
- C. Educational or scientific research, after consultation with the Washington Natural Heritage Program.
- D. All those uses allowed in "All Lands Designated Open Space," above.

Balch Lake Wetlands Area

1. The following uses may be allowed on lands designated Open Space for the Balch Lake Wetlands Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Livestock grazing, subject to a range conservation plan, after consultation with the Washington Department of Wildlife.
 - B. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
 - C. Educational and scientific research, after consultation with the Washington Department of Wildlife.
 - D. Low-intensity recreation, subject to the guidelines for recreation intensity classes (Part I, Chapter 4: Recreation Resources), after consultation with the Washington Department of Wildlife.
 - E. All those uses allowed in "All Lands Designated Open Space," above.

Mouth of Wind River Wildlife Area

1. The following uses may be allowed on lands designated Open Space for the Mouth of Wind River Wildlife Area subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
 - B. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - C. Harvesting of wild crops.
 - D. Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.

- E. Commercial fishing and trapping.
- F. Low-intensity recreation, subject to the guidelines for recreation intensity classes (Part I, Chapter 4: Recreation Resources), after consultation with the Washington Department of Wildlife.
- G. All those uses allowed in "All Lands Designated Open Space," above.

State Park Recreation Areas

1. The following uses may be allowed on lands designated Open Space on those portions of state park ownerships not suitable for major recreation facilities subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.
 - B. Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
 - C. Harvesting of wild crops.
 - D. Educational or scientific research.
 - E. All those uses allowed in "All Lands Designated Open Space," above.

SMA PROVISIONS

SMA Goal

Protect and enhance open space values.

SMA Policies

1. Open Space shall be designated to provide special protection for sensitive scenic, cultural, recreational, and natural resources, and for sensitive and/or representative ecosystems.
2. Only unimproved lands shall be designated Open Space.
3. Open Space designation shall include the following subcategories:
 - A. **Open Space/Scenic** protects the natural appearance of lands with high scenic values. These include areas of outstanding natural beauty, such as cliff faces, steep bluffs, canyons, water features, and tributary river corridors.
 - B. **Open Space/Natural** protects wetlands, areas supporting ecologically and scientifically significant plant communities, and significant natural areas. Most of these areas contain concentrations of threatened, endangered, sensitive, and endemic plants, and sensitive plant associations that are rare or unusual.
 - C. **Open Space/Wildlife** protects sensitive and unique habitat values and threatened, endangered, sensitive, and endemic species. These lands include habitat for significant wildlife species such as spotted owl, pine marten, pileated woodpecker, and anadromous fisheries.
 - D. **Open Space/Cultural** protects concentrations of cultural resources. These lands contain known and potential significant concentrations of cultural resources.
4. An Open Space plan shall be developed for each Open Space area for protection and enhancement of resources in that area.
5. The Forest Service National Scenic Area office will facilitate the formation of partnerships with appropriate local, state, and federal agencies and private organizations, which will be encouraged to design and implement management programs to enhance Open Space values.
6. Educational and interpretive programs shall be encouraged to promote understanding and enhancement of resources, where these programs do not diminish the Open Space values.

7. New developments and land uses not included in the Open Space guidelines, including commercial forest practices, most structural development, and intensive recreation development, shall be prohibited in Open Space areas.
8. Federal and state agencies shall review Open Space areas to determine their potential for classification as research natural areas or state natural areas.
9. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.
10. If requested, the Forest Service shall help locate mapped boundaries of Open Space areas in cases of new land uses or development.

SMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, GMA and SMA Open Space" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Open Space.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Open Space.

Review Uses

1. An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:
 - A. Direction for resource protection, enhancement, and management.
 - B. Review of existing uses to determine compatibility with Open Space values.
 - C. Consultation with members of the public and with agency and resource specialists.

2. The following new uses may be allowed on lands designated Open Space subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines:
 - A. Changes in existing uses, including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.
 - B. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include vegetation management and forest practices (subject to the forest practice guidelines of Part II, Chapter 2: Forest Land) for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
 - C. Low-intensity recreation uses and developments, including educational and interpretive facilities, consistent with Part I, Chapter 4: Recreation Resources.
 - D. Utility facilities for public service, upon a showing that:
 - (1) There is no alternative location with less adverse effect on Open Space land.
 - (2) The size is the minimum necessary to provide the service.
 - E. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 - F. Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:
 - (1) Noxious weed infestation is new and eradication is still viable.
 - (2) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:
 - (a) Displacement of native and traditionally gathered plants;
 - (b) Degradation of wildlife habitat and forage;
 - (c) Degradation or loss of agricultural uses of land, such as cropland or livestock forage;
 - (d) Limitation of recreational uses.
 - (3) For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.