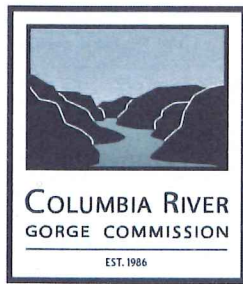


ATTACHMENT A



July 20, 2017

Marc Boldt, Clark County Council Chair
Mark McCauley, County Manager
Martin Snell, Community Development Director
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810

Michael Cerbone, Director
Transportation & Land Use Planning Division
1600 SE 190th Avenue
Portland, OR 97233

Debbie Slack, Skamania County Clerk of the Board
Alan Peters, Planner
P.O. Box 1009
Stevenson, WA 98648

Jeff Hecksel, Hood River County Administrator
John Roberts, Planning & Comm. Dev. Director
601 State Street
Hood River, OR 97031

Rod Runyan, Wasco County Chair
Angie Brewer, Planning Director
2705 E. 2nd Street
The Dalles, OR 97058

Dear County Officials and Planning Directors,

On February 9, 2016, the Columbia River Gorge Commission adopted revisions to the *Management Plan for the Columbia River Gorge National Scenic Area* to respond to the Oregon Court of Appeals' decision in *Friends of the Columbia Gorge v. Columbia River Gorge Commission*. These revisions included changes to general management area guidelines and changes to Special Management Area guidelines that the U.S. Forest Service previously adopted. On August 4, 2016, the U.S. Secretary of Agriculture, through his designee, concurred with the revisions.

In accordance with Sections 7(b) and 8(h) of the National Scenic Area Act, I am transmitting these revisions to you to adopt into your land use ordinances for the National Scenic Area. Sections 7(b) and 8(h) require that you notify the Commission within 60 days of the date of this transmittal of your intent to adopt these revisions and that you adopt the revisions within 270 days of the date of this transmittal. These revisions are mandatory; however, the Management Plan allows you to enact variations on these revisions so long as the variations provide greater protection for Gorge resources.

After you adopt your ordinance amendments, you must submit the amendments to the Gorge Commission to determine that the amendments are consistent with the Management Plan and for the U.S. Secretary of Agriculture's concurrence. Your ordinance amendments for the general management area revisions may go into effect after the Commission determines they are consistent with the Management Plan and the amendments for the Special Management Area revisions may go into effect after the Secretary's concurrence.

In our experience, most counties elect for both GMA and SMA revisions to go into effect after the Secretary's concurrence.

The Gorge Commission staff is committed to assisting you to understand these revisions, discussing possible variations, and providing guidance on their implementation. We also welcome the opportunity to review your draft ordinance amendments so we can advise on consistency with the revisions.

I have enclosed a copy of the Secretary's concurrence and the Commission's staff report to the Gorge Commission summarizing the revisions. The text of the revisions is attached to the staff report. The Commission staff's lead for these revisions was its Counsel, Jeff Litwak. Please don't hesitate to call Jeff (509-493-3323, ext. 222) if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Krystyna U. Wolniakowski".

Krystyna U. Wolniakowski
Executive Director

cc: Robin Shoal, Staff Officer, Natural Resources and Planning, USFS, National Scenic Area Office

Enclosures



United States
Department of
Agriculture

Forest
Service

Pacific
Northwest
Region

1220 SW Third Avenue (97204)
PO Box 3623
Portland, OR 97208-3623
503-808-2468

File Code: 1900

Date: August 4, 2016

Ms. Krystyna U. Wolniakowski
Executive Director
Columbia River Gorge Commission
PO Box 730
White Salmon, WA 98672

Dear Ms. Wolniakowski,

The Columbia River Gorge Commission submitted proposed revisions to the *Management Plan for the Columbia River Gorge National Scenic Area* for concurrence review by the Secretary of Agriculture. The Secretary, through the Chief of the Forest Service, has delegated this authority to me as Regional Forester. The proposed revisions were received in the US Forest Service-National Scenic Area office on May 24, 2016. Per sections 6(f)(g) and (h) of the Columbia River Gorge National Scenic Area Act, the Regional Forester has 90 days to make a decision regarding concurrence for revisions or amendments to the Management Plan. This 90-day period expires on August 22, 2016.

The proposed revisions pertain to the General Management Area (GMA) land designation within the Scenic Area. They are in response to an Oregon Court of Appeals decision in *Friends of the Columbia Gorge v. Columbia River Gorge Commission* issued in February of 2012.

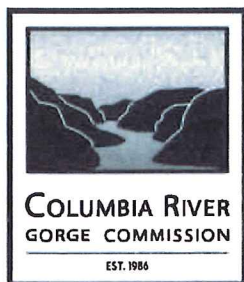
I have reviewed the Forest Service staff report, the Gorge Commission staff report, and the text of the proposed revisions. I concur that the proposed revisions are consistent with the standards established in section 6(d) of the Columbia River Gorge National Scenic Area Act and with the purposes of the Act.

Sincerely,

for JAMES M. PEÑA
Regional Forester

cc: Julia Riber, Jessica Rubado, Lynn Burditt, Robin Shoal





May 24, 2016

Lynn Burditt – Area Manager
U.S. Forest Service
Columbia River Gorge National Scenic Area
902 Wasco Avenue, Suite 200
Hood River, OR 97031

Dear Ms. Burditt,

On February 9, 2016, the Columbia River Gorge Commission adopted revisions to the *Management Plan for the Columbia River Gorge National Scenic Area* to respond to the Oregon Court of Appeals' decision in *Friends of the Columbia Gorge v. Columbia River Gorge Commission*. The Commission's action concerned only the General Management Area.

In accordance with Section 6(f) of the National Scenic Area Act, I am submitting these revisions for concurrence by the Secretary of Agriculture that the revisions are consistent with the standards for the Management in the Act (sec. 6(d) and the purposes of the Act (sec. 2). I understand from Robin Shoal in your office that your office will forward this request for concurrence to the Regional Forester as the delegated representative of the Secretary of Agriculture. The National Scenic Area Act allows the Secretary 90 days to concur with these revisions; if the Secretary does not act within 90 days, the National Scenic Area Act specifies, "the Secretary shall be deemed to have concurred on the management plan."

I have enclosed a copy of the staff report to the Gorge Commission summarizing the revisions (dated Feb. 9, 2016). The text of the revisions is attached to the staff report. Please don't hesitate to call the Commission's Counsel, Jeff Litwak (509-493-3323, ext. 222) if you have any questions.

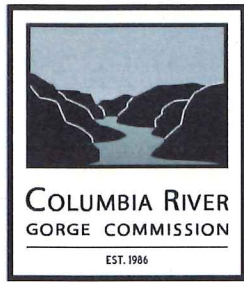
Sincerely,

Krystyna U. Wolniakowski

Krystyna Wolniakowski
Executive Director

cc: Robin Shoal, Staff Officer, Natural Resources and Planning, USFS, National Scenic Area Office

Enclosure



February 9, 2016

TO: Columbia River Gorge Commission

FROM: Krystyna Wolniakowski and Jeff Litwak

SUBJECT: Final Recommended Plan Text Responding to Oregon Court of Appeals Decision

At the December 2015 Commission meeting, the Commission directed staff to develop new Management Plan language to respond to the Oregon Court of Appeals' decision in *Friends of the Columbia Gorge v. Columbia River Gorge Commission*. The language would include (1) adding the definition of adversely affect from the Act into the Management Plan; (2) crafting language that addresses the Court's question that land division applications that also request approval for ground disturbing development ensure protection of cultural resources; and (3) crafting language similar to SMA language for ensuring no adverse cumulative effect to natural resources.

Attached to this memo is staff's recommended text. The text includes the language for the SMAs that the Forest Service has already given the Commission to incorporate without change (as required sec. 6 of the Act). The SMA language is shown in yellow highlight; the GMA recommended language is shown in green highlight. New language is shown in underline, and language to be deleted is shown in strikeout.

Cultural Resources

Staff recommends text that is a bit broader than just addressing the Court of Appeals' concern whether an application for a land division would be exempt from the requirement for a cultural resources reconnaissance survey if the application also requested approval of residences that would require a reconnaissance survey. Rather than answer only that question, staff is recommending language that codifies the existing practice of requiring a reconnaissance survey if any element of any land use application requires a reconnaissance survey. The recommended language includes an example, specifically addressing the situation the Court identified. Staff also recommends a new provision allowing that a reconnaissance survey may still be conducted even if a proposed use falls within an exemption.

Natural Resources

Staff again recommends text that is slightly broader than just addressing the Court's focus on cumulative effect. Staff's recommended language requires evaluation of applications for "adverse effect, including cumulative effect" and prohibits adverse effect. The Act prohibits "adverse effect" and cumulative effect is one of four elements of adverse effect. Thus this recommended language tracks the terms that the Act uses, whereas the SMA language focuses on "cumulative effects" and prohibits "cumulative effects that are adverse." The new Glossary definition of adverse effect is identical to the definition of adverse effect in the Act, so you can turn back to that definition to see the relationship between the two terms.

Glossary

The definitions listed below apply to both General Management Area and Special Management Area, unless otherwise noted.

Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

Accessory structure/building: A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

Active wildlife site: A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

Addition: An extension or increase in the area or height of an existing building.

Adversely affect or Adversely affecting (SMA): A reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on—

- (1) the context of a proposed action;
- (2) the intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;
- (3) the relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts;
- (4) and proved mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.

GLOSSARY

Agricultural specialist (SMA): A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

Agricultural structure/building: A structure or building located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.

Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:

1. The operation or use of farmland subject to any agriculture-related government program.
2. Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.
3. Land planted in orchards or other perennials prior to maturity.
4. Land under buildings supporting accepted agricultural practices.

Agricultural use does not include livestock feedlots.

Air: The mixture of gases comprising the Earth's atmosphere.

Anadromous fish: Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

Anaerobic: A condition in which molecular oxygen is absent (or effectively so) from the environment.

Aquaculture: The cultivation, maintenance, and harvesting of aquatic species.

Aquatic area: The water area of a stream, pond, or lake measured at the ordinary high water mark.

Archaeological resources: See cultural resource.

PART I-Resource Protection & Enhancement

2. Information regarding the nature and location of archaeological resources and cultural resources associated with Native Americans shall be kept confidential to avoid unlawful, malicious, or negligent disturbance.
3. A four-step process shall be used to protect cultural resources: performing cultural resource reconnaissance or historic surveys before proposed uses are authorized; evaluating the significance of cultural resources discovered during surveys; assessing the effects of proposed uses on significant cultural resources; and preparing mitigation plans to avoid or minimize impacts to significant cultural resources.
4. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published 36 Code of Federal Regulations (CFR) Part 61 and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date).
5. Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with Indian tribal governments and any person who submits written comments on a proposed use (interested person). Indian tribal governments shall be consulted if the affected cultural resources are prehistoric or otherwise associated with Native Americans.
6. The reconnaissance survey guidelines below shall apply until a cultural resource survey of the GMA is complete.

A. Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling. (Added: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)

B. A reconnaissance survey shall be required for all proposed uses, except:
(Renumbered: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)

- (1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.
- (2) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

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

The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

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

The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.

- (6) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:
 - (a) Residential development that involves two or more new dwellings for the same project applicant.
 - (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.
 - (c) Public transportation facilities that are outside improved rights-of-way.
 - (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.

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

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

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It shall be refined and revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

- BC. A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those uses listed above in 6.A(1) through (6). The locations of known cultural resources are shown in the cultural resource inventory prepared by Heritage Research Associates and maintained by the USDA Forest Service for the Columbia River Gorge Commission. (Renumbered: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)

- D. The Gorge Commission may choose to conduct a reconnaissance survey for proposed uses listed in the exceptions if, in its professional judgment, a reconnaissance survey may be necessary to ensure protection of cultural resources. (Added: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)

- 7. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.
- 8. The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the GMA. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

GMA PROVISIONS

~~Determination of potential natural resources effects shall include consideration of cumulative effects of proposed developments within the following areas: 1) wetlands and their buffer zones; 2) streams, ponds, lakes, riparian areas and their buffer zones; 3) sites within 1,000 feet of sensitive wildlife areas and sites; and 4) sites within 1,000 feet of rare plants. (Added: CRGC adoption 7/13/10; U.S. Sec. Ag. concurrence 11/1/10)~~

WETLANDS

GMA Goals

1. Achieve no overall net loss of wetlands acreage and functions.
2. Increase the quantity and quality of wetlands.

GMA Objective

Promote public programs that offer incentives to landowners who protect and enhance wetlands. The Gorge Commission shall notify landowners whose property has been designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland and contains wetlands. It shall inform landowners about the values of wetlands and the rationale for regulating new uses in wetlands and wetlands buffer zones, including cultivation.

GMA Policies

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

The main stem of the Columbia River is depicted on the map titled "Boundary Map, Columbia River Gorge National Scenic Area," numbered NSA-001, and dated September 1986. (This map is available at county planning departments and Commission and Forest Service offices.) The boundaries of the main stem appear as a heavy black line that generally follows the shoreline. For the Management Plan, backwaters and isolated water bodies created by roads and railroads are not part of the main stem of the Columbia River.

2. All wetlands, regardless of their size or functions, warrant protection from new uses that may alter or destroy wetlands functions.

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

GMA Guidelines

Review Uses

1. The following uses may be allowed in wetlands and wetland buffer zones, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Wetlands" in this section.
 - A. The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not (1) increase the size of an existing structure by more than 100 percent, (2) result in a loss of wetlands acreage or functions, and (3) intrude further into a wetland or wetlands buffer zone.

New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.
 - B. The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.
 - C. The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
2. Except uses allowed outright and review uses in Guidelines 1A through 1C, above, proposed uses may be allowed in wetlands and wetlands buffer zones subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Other Review Uses in Wetlands" in this section.
3. Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. (Added: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)

Site Plans for Review Uses in Wetlands

GMA Guidelines

Review Uses

1. The following uses may be allowed in streams, ponds, lakes, and riparian areas, and their buffer zones, subject to compliance with guidelines for the protection of scenic, natural, cultural and recreation resources and "Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Aquatic and Riparian Areas" in this section. *(Revised: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)*
 - A. The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not (1) increase the size of an existing structure by more than 100 percent, (2) result in a loss of water quality, natural drainage, and fish and wildlife habitat, or (3) intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.
 - B. The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.
 - C. The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
2. Except uses allowed outright and review uses in Guidelines 1.A through 1.C, above, proposed uses may be allowed in streams, ponds, lakes, and riparian areas, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Other Review Uses in Aquatic and Riparian Areas" in this section.
3. Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. *(Added: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)*

Site Plans for Review Uses in Aquatic and Riparian Areas

PART I-Resource Protection & Enhancement

8. Adequate buffer zones shall be maintained to protect sensitive wildlife areas or sites from new uses. The width of wildlife buffer zones shall be determined on a case-by-case basis and shall reflect the biology of the affected species and the characteristics of the project site and the proposed use.
9. The size, scope, configuration, density, and timing of new uses within wildlife buffer zones shall be regulated to protect sensitive wildlife species.
10. Site-specific management plans shall be required before most new uses will be allowed within wildlife buffer zones.
11. Rehabilitation and/or enhancement shall be required to offset unavoidable impacts to wildlife habitat that result from new uses.

GMA Guidelines

Review Uses

1. Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a sensitive wildlife area or site, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses Near Sensitive Wildlife Areas and Sites" in this section. Updated lists of species included in sensitive wildlife sites can be found on the websites for the Washington Department of Fish and Wildlife (Species of Concern list) and the Wildlife Division of Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available at the Gorge Commission office and on its website.
2. Proposed uses within 1,000 feet of a sensitive wildlife area or site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. (Added: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)

Site Plans and Field Surveys for Review Uses Near Sensitive Wildlife Areas and Sites

1. In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.
2. A field survey to identify sensitive wildlife areas or sites shall be required for (1) land divisions that create four or more parcels, (2) recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities, (3) public transportation facilities that are outside improved rights-of-way, (4) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater, and

Forest Land, or Large or Small Woodland and contains sensitive plant species. It shall inform landowners about the values of sensitive plants and the rationale for regulating new uses near sensitive plant sites, including cultivation.

GMA Policies

1. Newly discovered rare plant sites and plant species that are added to federal or state rare plant lists shall be protected. Species that are deleted from federal or state rare plant lists will not require further protection.
2. The rare plant species inventory shall be used to identify possible conflicts between proposed uses and rare plant sites. Project applicants should consult the local government early in the planning process to help determine if rare plants exist in the project area.
3. When new uses are proposed near a sensitive plant site that appears in the rare plant species inventory, the field survey records shall be used to determine the precise location of the plant population in relation to the proposed use. If the field survey records are inadequate, a field survey shall be conducted to delineate the boundaries of the sensitive plant population.
4. Buffer zones shall be used to ensure that new uses do not adversely affect sensitive plant species.
5. Except for uses allowed outright, new uses shall be prohibited within sensitive plant species buffer zones.
6. Landowners and agency officials shall be encouraged to avoid siting new uses on lands containing plant species listed as "Review," "Watch," or "Monitor" by the Oregon or Washington Natural Heritage Program.

GMA Guidelines

Review Uses

1. Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a sensitive plant, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses Near Sensitive Plants" in this section. Updated lists of sensitive plant species can be found on the websites for the Oregon or Washington Natural Heritage Program. A list also is maintained by the USDA Forest Service – Scenic Area Office and available at the Gorge Commission office and on its website.
2. Proposed uses within 1,000 feet of a sensitive plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. (Added: CRGC adoption _____; U.S. Sec. Ag. concurrence _____)

Management Plan. Enhancement efforts shall be conducted pursuant to a mitigation plan, as described in this section.

10. All mitigation plans must be approved by the local government, after consultation with federal and state agencies with jurisdiction over wetlands.
11. Partnerships with public agencies, conservation groups, and individuals are encouraged to increase public awareness, understanding, and stewardship of natural resources.
12. The Special Management Area water resource buffer widths shall be applied to National Forest System lands in the General Management Area.
13. Proposed uses that would adversely affect water resources (wetlands, streams, ponds, lakes, and riparian areas) shall be prohibited. (Added: U.S. Sec. Ag. concurrence _____)

WILDLIFE AND PLANTS

SMA Goals

1. Protect (ensure that new uses do not adversely affect, including cumulative effects) and enhance the wildlife and plant diversity of the Gorge.
2. Encourage the protection of plant species that are classified as "List 3 (Review)" or "List 4 (Watch)" by the Oregon Natural Heritage Program or "Monitor" by the Washington Natural Heritage Program.
3. Ensure that new uses do not adversely affect natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program.

SMA Policies

1. Natural resources existing on a site proposed for a new development or land use, and/or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts, shall be protected from adverse effects.
2. Significant ecosystems such as natural areas, wetlands, ponds, lakes, riparian areas, old growth forests, islands, and areas of special importance such as botanical areas, sensitive wildlife and fishery habitats, or oak woodlands shall be protected from adverse effects.
3. Existing habitat quality, viable populations, and long-term productivity of natural resources and ecosystem diversity shall be maintained.

15. Air quality shall be protected and enhanced, consistent with the purposes of the Scenic Area Act. The States of Oregon and Washington and the U.S. Forest Service shall:
 - (1) Continue to monitor air pollution and visibility levels in the Gorge;
 - (2) Conduct an analysis of monitoring and emissions data to identify all sources, both inside and outside the Scenic Area, that significantly contribute to air pollution. Based on this analysis, the States shall develop and implement a regional air quality strategy to carry out the purposes of the Scenic Area Act, with the U.S. Forest Service, the Southwest Air Pollution Control Authority and in consultation with affected stakeholders.

The States and the Forest Service shall together provide annual reports to the Commission on progress made regarding implementation of this policy. The first report shall include a workplan and timeline for gathering/analyzing data and developing and implementing the strategy. The workplan and strategy shall be submitted to the Commission for approval.

SMA Natural Resources Guidelines

1. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or developments. Comments from state and federal agencies shall be carefully considered. (Site plans are described under "Review Uses" in Part II, Chapter 7: General Policies and Guidelines.) (*Revised: U.S. Sec. Ag. concurrence _____*)
2. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)
 - A. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in 2.A.(2)(a) and 2(b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.
 - (1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.
 - (2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones

- E. Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.
- F. The local government may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the local government shall obtain professional services, at the project applicant's expense, or the local government will ask for technical assistance from the Forest Service to render a final delineation.
- G. Buffer zones shall be undisturbed unless the following criteria have been satisfied:
 - (1) The proposed use must have no practicable alternative as determined by the practicable alternative test.

Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.
 - (2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:
 - (a) A documented public safety hazard exists or a restoration/enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, and
 - (b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and
 - (c) The proposed project minimizes the impacts to the wetland.
 - (3) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a mitigation plan.
- H. ~~Determination of potential natural resources effects shall include consideration of cumulative effects of proposed developments within the following areas:~~
Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

(Added: U.S. Sec. Ag. concurrence 7/1/11, revised . . .)

Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.

- E. The wildlife/plant protection process may terminate if the local government, in consultation with the Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.
- F. If the above measures fail to eliminate the adverse affects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.
- G. The local government shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The local government shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order.

Based on the comments from the state and federal wildlife agency/heritage program, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

- H. The local government shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife/plant area or site.
- I. ~~Determination of potential natural resources effects shall include consideration of cumulative effects of proposed developments within the following areas: 1) sites~~ Proposed uses and developments within 1,000 feet

of sensitive wildlife areas and sites; ~~and 2) sites~~ or within 1,000 feet of rare plants shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited. (Added: U.S. Sec. Ag. concurrence 7/1/11, revised . . .)

4. Soil Productivity

A. Soil productivity shall be protected using the following guidelines:

- (1) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- (2) New developments and land uses shall control all soil movement within the area shown on the site plan.
- (3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.
- (4) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

Practicable Alternative Test

1. An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

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