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September 8, 2004

Diane Linn, Chair  
Multnomah County Board of Commissioners  
501 SE Hawthorne Blvd.  
Suite 600  
Portland, OR 97214

Dear Chair Linn:

On behalf of the Columbia River Gorge Commission, I am transmitting the *Revisions to the Management Plan for the Columbia River Gorge National Scenic Area*. These enclosed revisions were adopted by the Gorge Commission in April 2004 as the conclusion of Plan Review. Linda Goodman, Regional Forester for USDA Forest Service Region 6, formally concurred with these revisions as consistent with the National Scenic Arca Act under authority delegated to her by the United States Secretary of Agriculture on August 10, 2004.

By transmitting the enclosed Revisions to the Management Plan, I am requesting that you initiate local adoption of these revisions into your county's land use ordinance as spelled out in Section 7 of the National Scenic Arca Act. Under the Act, the deadlines that apply to county action are as follows:

- Within 60 days of receipt of these revisions, each Gorge County needs to notify the Gorge Commission about their intent to revise their Gorge land use ordinance to enact these revisions. We hope to have this response from you around the 10<sup>th</sup> of November.
- Within 270 days of receipt of these revisions (including the 60 days spelled out above), each County needs to adopt their revised ordinances and submit those ordinances to the Commission for review. We hope that your adoption would be complete in June 2005.
- Within 90 days of receiving your revised ordinance, the Gorge Commission will review whether your modified land use ordinance is consistent with the Management Plan as revised. We will make final determinations for the portions of your ordinances that apply in the General Management Area and will make recommendations to the Secretary of Agriculture (or her designee) about the portions of the ordinance that apply in the Special Management Area. In the event that any portion of your county's ordinance is not found to be consistent with the Management Plan, we will make specific recommendations to you for changes.

To assist you with your work in revising your land use ordinance, Gorge Commission and USDA Forest Service staff will be assigned to provide technical assistance to each county. Gorge Commission staff will contact your planning staff during September to discuss the Revisions to the

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Management Plan and answer any questions about the revisions or the process of adopting these revisions into county code.

As we have discussed with county staff, the Friends of the Columbia Gorge have filed a lawsuit challenging the Revisions to the Management Plan with the Oregon Court of Appeals. Additional lawsuits may be filed in the next few weeks, possibly challenging the decision of the Regional Forester to concur or possibly challenging the portions of the Revisions that apply only in the Special Management Areas (SMA). The Commission has directed that, despite this legal challenge, the adoption of the revisions should continue. The Commission, however, is sensitive to the need to ensure that neither county governments nor recipients of Scenic Area land use approvals face additional legal risk as a result of the pending lawsuit. Therefore, the Commission directed me to do two things:

- First, when you send us the formal letter informing the Commission of whether you intend to adopt the Revisions to the Management Plan, please include a tentative work plan and schedule for adoption of your revised ordinance. We would particularly like to know what your schedule will be for formal adoption by the Planning Commission and county governing body. We will use this schedule and work plan to coordinate with your planning and legal staff, and we will endeavor to provide more information about the pending lawsuit prior to any formal adoption step to reduce the potential legal risks to your county.
- Second, the Commission has requested that we regularly apprise them as the lawsuit proceeds so that they can provide you with additional recommendations and direction. In other words, as we move through the next steps in the pending lawsuit, from preparing the record to preparation of the briefs, we will keep the Commission and counties informed about new issues or new risks that we haven't anticipated to date.

The Gorge Commission looks forward to working with your county in adopting these revisions into the land use ordinances that affect the National Scenic Area. As envisioned by the Act, county governments are critical partners in ensuring the protection of the resources of the Gorge.

Please feel free to contact me or your county's representative to the Gorge Commission with any questions.

Sincerely,



Martha J. Bennett  
Executive Director

- c. Columbia River Gorge Commission  
Dan Harkenrider, Area Manager, USDA Forest Service  
National Scenic Area Tribal Nations  
Lance Clark, Office of Governor Kulongoski  
Ron Schultz, Office of Governor Locke

