

SUMMARY OF REVISIONS FOR SPECIAL MANAGEMENT AREA
***DRAFT* REVISED MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE**
NATIONAL SCENIC AREA

January 26, 2004

Introduction

The draft Revised Management Plan incorporates changes to the Special Management Area (SMA) sections adopted by Area Manager Dan Harkenrider throughout the joint Forest Service/Gorge Commission “General Land Use” track; SMA Agricultural Land, Scenic Resources and Natural Resources revisions adopted in July 2003; and SMA General Land Use and Natural Resources revisions adopted in January 2004.

This memo notes additional changes to the Management Plan that were not disclosed in the process outlined in paragraph one. In particular, this memo documents changes to the SMA forest practice guidelines, and new guidelines for clearing trees for new agricultural use. These new guidelines are included in the SMA Forest Chapter (Part II, Chapter 2: Forest Land). This memo also documents organizational changes and minor revisions to address current Plan inconsistencies.

Changes to the Management Plan are depicted as follows: new text is underlined, deleted text is shown in ~~strike through~~, and unchanged text is shown in normal font. Only the changes to the Management Plan are under consideration for public comment, for adoption by the Gorge Commission, and for concurrence by the Secretary of Agriculture. Unchanged portions of the Management Plan will remain as currently worded. Some chapters have no changes (e.g. Part I, Chapter 2: Cultural Resources), and therefore are not included in the draft Revised Management Plan.

Part I: Resource Protection and Enhancement

Part I, Chapter 1: Scenic Resources

- This chapter contains the changes approved by Area Manager Dan Harkenrider in July 2003. SMA and GMA Scenic Resource guidelines are now largely consistent with one another.
- SMA scenic resource guidelines for forest practices were revised and moved to the SMA Forest Chapter (Part II, Chapter 2: Forest Land).

Part I, Chapter 2: Cultural Resources

- There are no changes to the Cultural Resources chapter, and this chapter is not included in the draft Revised Management Plan.

Part I, Chapter 3: Natural Resources

- The SMA Natural Resource Protection Guidelines were completely re-written. Many of the SMA guidelines were unclear, particularly concerning the review process. Procedural changes, clarifications and more detailed direction to implement SMA guidelines have been included. The SMA review process is now more consistent with the GMA review process. These revisions did not lessen protection for natural resources (with the exception of the revised wetland policy adopted in July 2003), while reorganizing the chapter, changing review processes and adding clarification.
- New language is included for the SMA wetland policy adopted July 22, 2003, which allows impacts to wetlands in cases of public safety and resource restoration and enhancement.
- SMA natural resource guidelines for forest practices were revised and moved to the SMA Forest Chapter (Part II, Chapter 2: Forest Land). New definitions for “old growth” and “remnant old forest” are discussed in the SMA Forest chapter.

Part I, Chapter 4: Recreation Resources

- One policy and two guidelines were moved to the SMA Recreation Resources chapter from the SMA Transportation section of Part II, Chapter 7. These modifications were considered an organizational change.

Part II: Land Use Designations

Part II, Chapter 1: Agricultural Land

- Review Use Guideline 1(A) concerning new agricultural uses was modified from the July 2003 decision in order 1) to apply to all new cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas, and 2) to apply scenic and recreational guidelines as well as natural and cultural guidelines. This guideline is also included in the Forest and Residential Land Use Designations. (This guideline is incorporated by reference into the Public Recreation LUD, which allows all agricultural review uses.)
- Guideline 1(T) was modified to make the language of this chapter consistent with the SMA Forest chapter, and add the commercial recreation provision of Part II, Chapter 6, Recreation Designations.

Part II, Chapter 2: Forest Land

In addition to the changes adopted by Area Manager Dan Harkenrider throughout the joint Forest Service/Gorge Commission “General Land Use” track, this chapter includes changed forest practices provisions and new provisions for clearing trees for new agricultural use. These new forest provisions were released for public review and comment on October 31, 2003. The draft October 31, 2003 forest provisions have been modified in response to public comments and included in this chapter of the draft Revised Management Plan. A summary of the changes to the October 31, 2003 proposals is as follows:

- 1) Limit created openings in the West Conifer vegetation type to one acre on National Forest lands, and on all lands designated Open Space.

Rationale: Most of the National Forest lands in the West Conifer vegetation type are designated Late Successional Reserve (LSR) by the Northwest Forest Plan. The objective of LSR is to promote old growth forests. Given the CRGNSA mission, management direction and the scarcity of old growth conifer forest, the Forest Service will manage National Forest lands (non-LSR as well as LSR lands) in the West Conifer area to promote development of old growth habitat. Because the West Conifer area is currently largely composed of closed canopy younger forest, forest practices would be limited to tree thinning to promote old growth habitat.

In the Open Space areas in the West Conifer vegetation type, openings will occur naturally due to slides and other natural factors, although the amount and frequency cannot be predicted.

- 2) Change the percent of openings for the “Visually Subordinate” standard from 16% to 8% at one time. Leave the percent of openings for the “Not Visually Evident” standard at 4%.

Rationale: The cumulative effects percentage of disturbance at one time for created forest openings were originally based on the *Siskiyou Study* and National Forest Land and Management Planning. In the Mt. Hood NF Land and Resource Management Plan the standards were set at:

- Not Visually Evident (Retention): 4% per decade and 8% at one time
- Visually Subordinate (Partial Retention): 8% per decade and 16% at one time

The current CRGNSA Management Plan 16% limit for both the “Not Visually Evident” and the “Visually Subordinate” scenic standards do not match Forest Service visual resource studies. Using the higher percentages for the range did not adequately reflect the visual sensitivity of the landscape. Newer studies in British Columbia indicate that public acceptance for visually evident disturbance would be greater at the lower thresholds.

- 3) Change the definition of “old growth”, create a definition for “remnant old forest”, and add protection for “remnant old forest” to the leave tree guidelines.

Old growth: A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground. ~~Any stand of trees 10 acres or greater generally containing the following characteristics: 1) contain mature and overmature trees in the overstory and are well into the mature growth state; 2) in coniferous forests, will usually contain a multilayered canopy and trees of several age classes; 3) in coniferous forests, standing dead trees and down material are present; and 4) evidences of man's activities may be present, but do not significantly alter the other characteristics and would be a subordinate factor in description of such a stand.~~

Remnant old forest: Large trees in the overstory well into the mature growth state (older than 180 years old).

Rationale: The very little remaining “old growth” and patches of old trees warrant protection.

- 4) When trees are cleared for new agricultural use, require the new agricultural use to be established within the specified time frame. If the new agricultural use is not established as specified, then there is a violation subject to enforcement.

Rationale: Under the initial proposal, if the new agricultural use was not established as specified, then the clearing was to be reforested. A potential loop-hole was created since an applicant could clear the trees, then simply reforest if the new agricultural use was not implemented.

- 5) Apply a 15-acre limit to clearing trees for new agricultural use.

Rationale: The 15 acre limit is consistent with the forest practice created opening size limit. Limiting clearings for new agricultural use to 15 acres helps ensure that an applicant could not use these provisions as a way around the forest practice limits on size of created openings.

- Other organizational changes in this chapter include:
 - The distinction of Federal Forest and non-Federal Forest land is no longer useful and has been deleted. Where there are different guidelines for National Forest lands designated Forest, the term “National Forest land” is used.
 - Policies 5, 6 and 7 were revised/deleted for current conditions.

Part II, Chapter 3: Open Space

- The chapter was reorganized to follow the format of other chapters, with subsections for “Uses Allowed Outright”, “Uses Allowed through the Expedited Development Review Process”, and “Review Uses”. These modifications were considered an organizational change.
- Review Use Guideline 1(B) includes language clarifying that vegetation management and forest practices for forest health enhancement are considered “resource enhancement”, and are therefore allowed in SMA Open Space.
- Review Use Guideline 1(C) was modified to include recreation “developments”, so that structures such as trails, parking lots and restrooms are expressly allowed.

Part II, Chapter 4: Residential Land

- A minor language change was made to Review Use Guideline 1 (“shall” was changed to “may”) to make this chapter consistent with the language of the other SMA Land Use Designation chapters.

Part II, Chapter 5: Commercial Land

- Since there is no land designated “Commercial” in the SMA, the SMA Provisions in this chapter were deleted. The three SMA guidelines in this chapter are encompassed in Part II, Chapter 7 of the Management Plan. Guidelines 1 and 3 are encompassed in the Existing Uses, Discontinued Uses section; Guideline 2 is encompassed in the SMA Sign Provisions. Minor language changes were made to the Introductory portion of this chapter. These modifications were considered an organizational change.

Part II, Chapter 6: Recreation Designations

- A minor language change was made to Review Use Guideline 1 (“shall” was changed to “may”) to make this chapter consistent with the language of the other SMA Land Use Designation chapters.
- A new guideline was added (Review Use Guideline E) to implement Public Recreation Policies 6 and 7, which outlined the conditions under which a new house may be allowed in the SMA Public Recreation LUD.
- The Commercial Recreation guideline was deleted since there is no SMA Commercial Recreation designation, and commercial recreation is listed as a Review Use in SMA Agricultural and SMA Forest. This modification was considered an organizational change.

Part II, Chapter 7: General Policies and Guidelines

- Dredge Spoils: The Area Manager directed staff to draft a provision not included in the preliminary draft provisions, in which the applicant (e.g., state transportation department or county public works department) must demonstrate it is not practicable to locate the disposal site outside the Scenic Area or inside an Urban Area. Staff added a guideline to carry out this requirement (Guideline 2 in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" in Part II, Chapter 7).

The Area Manager decided it was not necessary to include the provision of the July 2003 memo which would have allowed Emergency/Disaster Response Actions Guideline 7 to “take effect two years after the date of Management Plan concurrence by the U.S. Secretary of Agriculture, or approval of a disposal site, which ever comes first.” Given the time it will take to develop land use ordinances, at least a year would likely pass before these provisions would be in effect.

- Replacement Structures: The Area Manager directed staff to draft several provisions that were not finalized or included in the preliminary draft provisions. First, the Area Manager decided replacement structures for structures destroyed by disaster may be slightly larger than the original structures. Staff added a guideline to allow this flexibility (Guideline 3.C in "Existing and Discontinued Uses" in Part II, Chapter 7).

Second, the Area Manager decided to limit the amount of new vegetation required to screen a replacement structure for a structure destroyed by disaster. This direction was revised in the

Draft Revised Management Plan to use the Scenic Resources Implementation Handbook to determine approvable species and tree sizes, and to utilize a 5 year timeframe to achieve to applicable scenic standard (Guideline 3.D(4) in "Existing and Discontinued Uses" in Part II, Chapter 7).

In addition, the Area Manager decided to incorporate into the Draft Revised Management Plan the GMA provisions that allow a replacement structure for a structure destroyed by disaster to be located in a different location than the original structure if the original building site is no longer suitable for construction. Staff added a guideline to allow this exception (Guideline 3.B(1) in "Existing and Discontinued Uses" in Part II, Chapter 7), with further guidelines to protect treaty rights and scenic, cultural and natural resources (Guidelines 3.B(2) and (3) in "Existing and Discontinued Uses" in Part II, Chapter 7).

- Expedited Development Review Process: In October 2003, the Area Manager and Gorge Commission discussed the procedures and time frame for submitting comments on applications processed under the expedited development review process, and decided to require reviewing agencies to allow interested parties at least 10 calendar days from the date a notice is publicized to mail written comments (Guideline 2.A in "Procedural Guidelines" in "Expedited Development Review Process" in Part II, Chapter 7).

However, Staff recommend the following two changes to address concerns that the mail may take a week or more to arrive in planning offices, thereby hampering planners' ability to issue decisions in an accelerated manner. First, replace the word "mail" with "submit" in Guideline 2.A:

Reviewing agencies shall allow interested parties at least 10 calendar days from the date a notice is mailed and/or posted to ~~mail~~ submit written comments on the proposed development.

Second, add the following definition of "submit" to the Glossary:

Submit: To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

In reviewing procedural guidelines, staff recognized that the expedited development review process does not include notice requirements. To address this omission, staff added guidelines that require reviewing agencies to send a notice of all proposed developments to be reviewed under the expedited review process to: (1) tribal governments, (2) appropriate state agencies, (3) Gorge Commission, (4) Forest Service, and (5) landowners with 200 feet (Guidelines 1.A and B in "Procedural Guidelines" in "Expedited Development Review Process" in Part II, Chapter 7).

In reviewing the resource protection guidelines for the expedited development review process, staff realized that the provisions tentatively approved by the Commission did not address Indian treaty rights. The Scenic Area Act prohibits development that would affect treaty rights. Staff added guidelines that require reviewing agencies to address treaty rights (Guidelines 2.A, B., and C in "Resources and Treaty Rights Protection Guidelines" in "Expedited Development Review Process" in Part II, Chapter 7).

- The SMA Sign Provisions have been reorganized, with the temporary signs of Guideline 5 (A-F) and the small signs (2 square feet) of guideline 7A moved to "Uses Allowed Outright" in this chapter and combined with similar GMA sign provisions.
- The SMA Transportation section was deleted, with sign provisions moved to the SMA Signs Provisions, and recreation related provisions moved to Part I, Chapter 4, Recreation Resources. Several of the SMA Transportation provisions were deleted because they were redundant with other Management Plan provisions.

Part IV, Chapter 2: Forest Service Role

- The land acquisition direction was updated. Updates to SMA boundaries were included, and minor changes were made to the monitoring language and National Forest System Lands direction.

Glossary

- New definitions are included that were proposed in the October 31, 2003 Forest chapter. In addition, as discussed above under Part II, Chapter 2, Forest Land, the definition of "old growth" was revised and a definition of "old remnant forest" was added. A definition of "characteristic landscape" was also added for the SMA.

Maps of Changes to SMA Land Use Designations/Recreation Intensity Class

Four changes to Land Use Designations and one change to a Recreation Intensity Class are displayed on these maps.

- Chenoweth Table Property (Forest Service): Designate approximately 310 acres as SMA Open Space.
- Cape Horn Trust Property: Designate 27.6-acre property as SMA Forest.
- Kantjas Property: Change approximately 2.5 acres from SMA Open Space to SMA Forest.
- Multnomah Falls, Benson Bridge: Change approximately 3 acres from SMA Open Space to SMA Public Recreation. Change about one acre from RIC 4 to RIC 1.