



To: Columbia River Gorge Commission

From: Michael Lang, Conservation Director, Friends of the Columbia Gorge

Re: Request to Amend the Management Plan to Rezone Lands in the GMA Large Woodland Land Use Designation

Date: February 8, 2022

Thank you for the opportunity to comment on Edwin Haglund’s proposal for an amendment to the Management Plan for the Columbia River Gorge National Scenic Area. Mr. Haglund is requesting consideration of a plan amendment to rezone 47.8 acres, consisting of seven tax lots, from the Large Woodland land use designation (LUD) to Small Woodland LUD to pursue residential development on the seven tax lots.

Friends of the Columbia Gorge (“Friends”) has reviewed the proposal and the Staff Report prepared by the Executive Director. Friends supported the findings and recommendations in the Staff Report. Friends does not support the proposed plan amendment and recommends that the Columbia River Gorge Commission not spend additional staff time and resources in processing the proposal.

1. Acceptance of a plan amendment application is discretionary and the Commission should not accept the plan amendment at this time.

Amending the Management Plan is not a mandatory function of the Commission. Section 6(h) of the Columbia River Gorge National Scenic Area Act (Act) states, “If the Commission determines at any time that conditions within the scenic area have significantly changed, it may amend the management plan.” (Emphasis added)

The Management Plan policies for amending the plan explicitly say the Commission is not required to consider plan amendments.

Amendment of the Management Plan. Page 373.

Policies

1. The Gorge Commission may amend the Management Plan upon application by any person or upon its own initiative. The National Scenic Area Act does not require the Gorge Commission to consider amendments to the Management Plan. The Act does

not entitle any person or entity to have the Gorge Commission consider an application to amend the Management Plan.

According to Commission Rule 350-50, the Commission has ability to postpone the consideration of any Management Plan amendment application based upon the resources required to process the proposed amendment and the priority relative to existing or anticipated work.

The Commission's work plan for 2022 is ambitious and includes developing and implementing the Climate Action Plan, completion of the Vital Signs Indicators project, progress on the Database Replacement Project, completion of the Klickitat County Compliance Report, mandatory monitoring and enforcement responsibilities, and development reviews in Klickitat County. In addition, the Commission is currently short-staffed. The Commission should not amend its work plan to process this plan amendment.

2. The proposal is inconsistent with the plan amendment criteria.

To amend the Management Plan, the applicant must demonstrate to the Commission that conditions within the scenic area have changed significantly; the proposal is consistent with the purposes and standards of the Act; and no practicable alternative exists that is more consistent with the Act. Commission Rule 350-50-30 describes what would qualify as a significant change.

350-50-030, Criteria for Plan Amendment Approval.

1. **Conditions in the Scenic Area have significantly changed.** This means:
 - (a) physical changes that have widespread impacts to landforms, resources, or land use patterns in the Scenic Area;
 - (b) New information or inventory data regarding land uses or resources that could result in a change of plan designation, classification or other plan provision;
 - (c) Changes in legal, social, or welfare, not anticipated in the Management Plan; or
 - (d) A demonstrable mistake in the Management Plan.

The proposed plan amendment fails to meet this criterion and should not be accepted. The Large Woodland LUD has been in place since 1992. No significant change has occurred since 1992 or since the revision of the plan in 2020 that would support amendment of the plan.

3. The Large Woodland LUD is the appropriate designation for the parcel(s).

The subject parcel(s) are part of a 172 acre tract of forest land that is designated as Large Woodland. There are 20 tax lots in this Large Woodland zone with four dwellings. All were built prior to the passage of the Act. This LUD was applied to this tract of forest land in the original Management Plan adopted by the Commission in 1991 and received concurrence by the Secretary of Agriculture in 1992. Both the Commission and the Secretary determined that the Large Woodland LUD applied to this property is consistent with the purposes and standards of the Act and the land use designation policies.

Prior to the adoption of the Management Plan, the Commission staff reviewed all lands with the General Management Area for the appropriate LUDs. Gorge Commission planner Jim Johnson performed the staff work for the agriculture and forest LUDs in the original Management Plan. I have discussed these LUDs with him several times and recently spoke him. Mr. Johnson analyzed the capability of land for the Large Woodland LUD, the suitability of the land and its surrounding land uses for a Large Woodland designation, and the cumulative effect of zoning the land for non-forest uses. I have first-hand knowledge of the existence of land use designation worksheets prepared by Mr. Johnson and have previously reviewed his work for other parts of the scenic area. Friends agrees with the Commission staff's determination that land use designation policies were properly applied on Mr. Haglund's tax lots.

4. Approving the plan amendment would have adverse cumulative effects.

If the Commission were to accept and approve the proposed plan amendment rezoning the tax lots to the Small Woodland LUD, the land would be eligible for dwellings on each legal parcel within the ownership. This could set a precedent for other landowners within this Large Woodland tract to seek the same consideration. The cumulative effect would be the conversion of 20 tax lots to the Small Woodland LUD and up to 15 additional dwellings. The result would be the conversion of forest land to residential uses in violation of the Act's prohibition of the conversion of forest land to residential use. Residential development in this area would also likely increase the risks of human-caused forest fires in the area.

5. The landowners is currently logging the parcel(s)

Friends reviews all forest practice applications and notifications within the scenic area. This year, Friends has received two notifications submitted to the Oregon Department of Forestry by Mr. Haglund for timber harvest and a water crossing on the subject tax lots. Mr. Haglund is demonstrating that his land ownership is capable and suitable for the management and harvest of commercial tree species and is properly zoned as Large Woodland.