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Information Report on the Columbia River Gorge

City Club of Portland (Portland, Or.)

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Information Report on
THE COLUMBIA RIVER GORGE

Two bills are pending before Congress that will significantly affect the use and development of the Columbia Gorge: (1) S. 627, the "Packwood Bill," introduced by Senators Packwood and Hatfield and supported by Friends of the Columbia Gorge; and (2) HR 3853, the "Governors' Bill," coauthored by Governors Atiyeh and Spellman and introduced by all members of the Oregon and Washington Congressional delegation except Senator Packwood and Rep. Denny Smith. Congress is expected to act on these bills soon. The declared purpose of both bills is preservation of the Gorge. This report sets the background for the bills and briefly discusses their differences.

Resources of the Gorge. The Columbia Gorge is a unique local, regional and national asset, rich in natural, cultural and economic resources, and graced with incredible beauty. Numerous rare and endangered plant and animal species live in the Gorge including nine plant species found nowhere else in the world. The rich abundance of plants and animals supported large villages of people at least 11,000 years ago. The Gorge includes encampments of the Lewis and Clark expedition and the overland terminus of the Oregon Trail at The Dalles. Several sites in the Gorge have been placed on the National Register of Historic Places. Thousands of tourists visit the Gorge every year; 40,000 people live in it; it is a major transportation corridor; it contains important commercial and industrial developments; its river has been harnessed to produce needed energy.

Threats to the Gorge. Thus far activities in the Gorge have been under the control of fifty local, state and federal jurisdictions, and its great resources have remained largely intact. But, pressures on the Gorge are increasing. Parks in the Gorge are threatened with overuse. New residential subdivisions are proposed in the Gorge, and some local jurisdictions are approving them. Gorge towns and port authorities are seeking to expand their boundaries and improve their facilities to attract new commercial and industrial development. Many people are concerned that, without some unified control and management of the Gorge, development pressures will irreparably harm the Gorge.

The Packwood Bill. The Packwood bill would designate the Gorge as a National Scenic Area, administered by a special unit of the U.S. Forest Service. The bill calls for the creation of a 14-member regional commission consisting of one member from each of the six counties within the Gorge, two members each from Oregon and Washington appointed by the governors, three members appointed by the Secretary of Agriculture and, as an ex-officio non-voting member, the Chief of the Forest Service or his designate. The bill requires the Forest Service to prepare a management plan for the area with the advice of the regional commission.

The Governors' Bill. To some, the Packwood bill would centralize too much power in the federal government and give too little power to local government. In contrast, the Governors' bill would vest administration of the Gorge entirely in a federally-created and funded regional commission. The Commission would consist of one representative from each of the six counties along the Gorge and eight members-at-large (four from each state) of whom four must be residents of the Gorge area. Members would be nominated by the Governors and appointed by the President. Under the Governors' bill the management plan would be prepared by the regional commission.

Comparisons. The two bills differ in several other aspects:

1. Designation of "Critical" Lands. The designation of some lands as "critical" is important because such lands are subject to greater restrictions and to eminent domain. The definition of critical lands is broader in the Packwood bill. The Packwood bill would designate the critical lands in the bill itself, while the Governors' bill would have the regional commission determine which lands are critical.

2. Eminent Domain. In both bills eminent domain can be used only as a last resort. There the similarities end. In the Governor's bill, eminent domain can be used only to acquire full fee title in land; all existing buildings are exempt from condemnation; and, land can be condemned only upon approval of two-thirds of the regional commission. In the Packwood bill, eminent domain can be used to acquire any interest in land; only lands used for single family residences, farming or grazing before July 1, 1983 are exempt from condemnation and they remain exempt only so long as their use does not change; and, the decision to condemn rests fully with the Secretary of Agriculture with the commission playing only an advisory role.

3. Interim Protection. To provide for interim protection of the area, the Packwood bill requires the Secretary of Agriculture, with the advice of the Forest Service and the regional commission, to adopt interim guidelines for the management of the area and places a moratorium on new uses of critical lands until guidelines are adopted. The Governors' bill provides for the review of certain uses by the regional commission to determine if they are consistent with the purposes of the bill until a plan is prepared. There is no moratorium on new uses.

4. Enforcement. Under the Packwood bill, local governments and agencies may choose to enforce the management plan within their boundaries if they: a) submit to the Secretary of Agriculture and the regional commission a land use plan and zoning ordinance that protects critical lands and resources; b) provide sanctions for violation of the plan and ordinance; and c) demonstrate that they have the expertise and resources to implement and enforce the plan and ordinance. Otherwise, the Secretary of Agriculture is responsible for enforcement of the management plan. The Governors' bill requires local governments and agencies to adopt plans to implement the management plan. The local governments and agencies would be responsible for enforcing their plans. They would not need to show that they possess the expertise or resources to implement and enforce them. The Governors' bill provides that an executive committee of the regional commission may enforce the management plan in the absence of a local implementation plan. It also provides that the executive committee may issue stop work orders for any activities it determines are in violation of the management plan, local implementation plans, interim guidelines, or any provision of the bill itself.

In summary, the Packwood bill and the Governors' bill vary substantially in some important aspects. What do their differences mean to the fate of the Gorge? Congress will seek to answer that question during this session.

Respectfully submitted,

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