

HOUSE BILL REPORT

ESHB 3132

As Passed House:
March 4, 2010

Title: An act relating to eliminating the Columbia River Gorge Compact.

Brief Description: Regarding the elimination of the Columbia River Gorge Compact.

Sponsors: House Committee on General Government Appropriations (originally sponsored by Representative Van De Wege).

Brief History:

Committee Activity:

General Government Appropriations: 2/4/10, 2/5/10 [DPS].

Floor Activity:

Passed House: 3/4/10, 92-6.

Brief Summary of Engrossed Substitute Bill

- Directs the governor to dissolve or renegotiate the Columbia River Gorge Compact (Compact).
- Encourages the governor to work with affected counties on local funding options for implementing the Compact.
- Requires the governor to report to the Legislature by December 31, 2010 on the status of dissolving or renegotiating the Compact.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake, Kenney, Klippert, Sells, Short and Van De Wege.

Minority Report: Do not pass. Signed by 4 members: Representatives Dunshee, Hudgins, Pedersen and Williams.

Staff: Leslie Ryan-Connelly (786-7166) and Owen Rowe (786-7391).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Columbia River Natural Scenic Area (Scenic Area) was established in 1986 by Congress with two main purposes:

- to protect and enhance the scenic, natural, cultural, and recreational resources of the Columbia River Gorge; and
- to protect and support the economy of the area by encouraging growth to occur in urban areas and allowing future economic development consistent with resource protection.

The Scenic Area covers approximately 300,000 acres. To facilitate cooperation between the states and the federal government, the Columbia River National Scenic Area Act (Act) required the creation of the Columbia River Gorge Commission (Gorge Commission) through an interstate agreement between Oregon and Washington. The Gorge Commission has 13 members: three appointed by each of the governors of Oregon and Washington, one appointed by each of the six Gorge counties, and one (non-voting) representative from the U.S. Forest Service (Forest Service). The Gorge Commission is funded equally by Oregon and Washington.

The Act also required adoption of a Scenic Area Management Plan (Plan). The Plan was first developed in 1991 and approved by the U.S. Department of Agriculture (USDA) in 1992. The most recent update of the plan was in 2007. The Gorge Commission administers the Plan and provides technical assistance to five of the six counties (e.g., Clark and Skamania in Washington) that implement ordinances under the Plan. The Gorge Commission directly administers and enforces the Plan in Klickitat County.

The Plan includes guidelines and land use designations for land within the Scenic Area. The Plan provides direction on resource protection and enhancement, recreation and economic development, and establishes the roles of the Gorge Commission, U.S. Department of Agriculture, and Indian tribal governments. Counties must develop local development ordinances that comply with the Management Plan. Designated urban areas are excluded from the Management Plan regulations.

The Forest Service provides technical assistance to the Gorge Commission through review of changes to the Management Plan and funding for economic and recreational development programs. The Forest Service also acquires land to fulfill resource needs as identified in the Management Plan. To benefit counties, acquired lands are included in a county's share of timber receipts from the National Forest System lands. Also, the act provides for payments in lieu of taxes to a county for a certain period of time after a property is acquired by the Forest Service.

Summary of Engrossed Substitute Bill:

The governor's office is required to work with the State of Oregon to dissolve the Columbia River Gorge Compact (Compact). If the governor's office determines that the Compact cannot be dissolved, the governor's office shall work with the State of Oregon to renegotiate the Compact to reflect the accomplishments made since the original compact was approved in 1987. The governor may also work with Klickitat, Skamania, and Clark Counties to identify options for funding local planning and implementation of the Compact. A report on

the status of dissolving or renegotiating the Compact is due to the Legislature by December 31, 2010.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 10, 2010.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) None.

(Opposed) I have as many questions about this bill as you do about what the implications of this legislation are under the federal act. The Yakama Nation is one of four treaty tribes who are recognized by the federal act. Under the act there is a consultation requirement since the Columbia River Gorge is part of the traditional lands of the Yakama Nation. My concern is how the act would be implemented on a local level. The Columbia River Gorge Commission oversees land use actions within the scenic area, and if the state were to withdraw from the compact obligations then I assume the federal government would step in. There are questions that need to be answered about how consultations would occur with the treaty tribes in the area. The federal Justice Department would likely need to ensure that the counties' land use policy in the area was in line with the federal scenic area law.

Persons Testifying: Dawn Vyvyan, Yakima Nation.

Persons Signed In To Testify But Not Testifying: None.