



**TO:** Columbia River Gorge Commission

**FROM:** Krystyna U. Wolniakowski, Executive Director  
Lynn Burditt, National Scenic Area Manager, U.S. Forest Service

**DATE:** March 8, 2016

**SUBJECT:** Instructions to Surveyors for Urban Area Boundary Legal Descriptions Project in the National Scenic Area

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**Goal:**

The goal of the Urban Areas Boundary project is to have uniform legal descriptions for the thirteen urban area boundaries in the National Scenic Area that both the Commission and the U.S. Forest Service agree on and approve.

**Background:**

In 2012, the Commission initiated a broad assessment of opportunities for a collaborative engagement process that resulted in identifying some of the critical issues facing the National Scenic Area (NSA). One of the most important and challenging issues was policy regarding urban areas and the congressionally designated urban area boundaries (UAB) in the NSA, and the need to take steps to describe the boundaries more precisely. Professional land surveying firms were then contracted to draft written legal descriptions of the NSA's thirteen urban area boundaries. Through this process, surveyors identified several situations where normal surveying practices did not provide a clear approach or methodology for describing the UAB where the line on the map and the intent of Congress was not clear.

With the assistance of the William D. Ruckelshaus Center and Oregon Consensus, a collaborative process was initiated to engage diverse stakeholders throughout the Gorge to provide input and try to resolve the issues that the surveyors raised. A neutral process facilitator from the Oregon Consensus Affiliated Practitioner Team, Debra Nudelman of Kearns and West, worked with both a technical workgroup and a stakeholder workgroup to discuss the issues raised by the surveyors. A report was prepared and submitted to the Commission on December 15, 2014 and presented to the Commission at the March 10, 2015 meeting. No action was taken at that time. (See attached report).

**Staff Follow-up:**

In an effort to complete this project, staff recently met with Tenneson Engineering and with U.S. Forest Service National Scenic Area staff to discuss the issues raised in the December 2014 report from Kearns and

West, and discussed how to approach each of the issues identified by the two workgroups and resolve them according to standard surveyor practices and Congressional intent.

**Staff Recommendation:** Giving Direction to Surveyors Regarding Urban Area Boundaries

Since the time the Commission was established, the Commission has used the maps that the U.S. Forest Service (USFS) developed in 1987 based on the 1986 Congressional maps provided in the Act. Staff and surveyors have reviewed both sets of maps. Staff recommends that the surveyors consider the 1987 maps as the official maps for the purposes of developing legal descriptions for the urban area boundaries. In most cases, the two sets of maps vary only slightly where the USFS made clarifications. Two letters from the USFS explain the process they used and the types of clarifications they made, but some clarifications in the 1987 maps are not explained to the degree that we understand them at this time.

Staff recommends that the Commission instruct the surveyors to use the 1987 maps for the legal descriptions. In certain cases, where there is a significant difference between the urban area boundary depicted on the 1987 USFS map and on the 1986 Congressional map, staff recommends the surveyors resolve those differences on a case-by-case basis, based on input from the Commission staff and USFS staff.

Staff further recommends that the Commission approve the following direction to the surveyors for preparing the final legal descriptions for each of the thirteen urban area. Because the work groups included professional surveyors, county and urban area planners, non-governmental organization, and landowner representation, staff believes the attached final report from the consensus group gives a complete picture of the issues, conversations, and options. The Commission should review the attached report as you consider these recommendations. We have noted the issues for which the groups reached a consensus.

***Issue 1:*** Natural Features

1.1.1 Normal Pool Elevation—use ordinary high mark/normal pool elevation as defined by dam operations in 1986, the year the Act was passed. This is a consensus recommendation.

1.1.4 If pool elevation changes, keep as the Act defined. Normal Pool Elevation should be the same as in 1986, the year the Act was passed, regardless of future dam management. This is a consensus recommendation.

***Issue 2:*** Lack of precision and consistency

2.1 Roads: Use the centerline of the road as constructed in 1986 at the time the Act was passed. Staff recognizes that this recommendation could require NSA review for signs or other development on the NSA side of a road that is the boundary of an urban area, but not the urban area side. Staff thus recommends the Commission review its management plan policies relating to road activities (including signs) to address concerns about differences in permit requirements for road activities that adjoin urban areas. The Commission should do this as part of the next management plan review.

2.2 Powerlines: use centerline of the structures as they existed in 1986 at the time the Act was passed.

2.1. Staff recommends the Commission review its management plan policies relating to powerline activities to address concerns about differences in permit requirements for powerlines that adjoin urban areas. The Commission should do this as part of the next management plan review.

2.3 Structures not depicted accurately or at all

2.3.1 If a building existing in 1986 at the time the Act was passed is split by a hand drawn boundary—use the “centerline” of the boundary line as it is drawn on the map. Staff will review the management plan policies to address and resolve any issues that may arise due to the inadvertent division of buildings.

**Issue 3:** Boundaries follow lines never meant to be boundary lines

3.1 When an urban area boundary line follows a cartographic line that was not originally intended to be a boundary line (such as meander lines), use the cartographic line if that line can be surveyed using standards of the profession. If the line cannot be surveyed using standard practices, the line should be established using the same method as a random line (.i.e. following no known feature). This is a consensus recommendation.

**Issues 4 and 5:** Previous boundary surveys and interpretations, and unforeseen issues

These were issues identified in the Kearns and West report, but are policy issues and not technical surveyor issues. Staff recommends not addressing these issues until the next management plan review process.

Next Steps:

Based on direction from the Commission, staff will initiate a contract with Tenneson Engineering in early April 2016 to finalize the legal descriptions for the thirteen urban area boundaries, and have this completed by June 30, 2016. Staff also discussed with the USFS a strategy to finalize legal descriptions for the SMA/GMA boundaries as well. This effort will be completed by December 2016.

Staff believe that by 2017, the 30<sup>th</sup> anniversary of the National Scenic Area, the legal descriptions for the external boundaries of the NSA, the GMA/SMA boundaries and the urban area boundaries will be completed.

*(Attachment: December 15, 2014 Memorandum from Debra Nudelman, Kearns and West on behalf of Oregon Consensus)*