

ploration, development or production can be conducted without disturbing the surface of any land within the boundaries of a special management area or is for sand, gravel and crushed rock used for the construction, maintenance or reconstruction of roads within the special management areas used for the production of forest products; and

(4) permits for siting or construction within a special management area of any residence or other related major structure on any parcel of land less than forty acres in size;

(k) “management plan” means the scenic area management plan adopted pursuant to section 544d of this title;

(l) “open spaces” means unimproved lands not designated as agricultural lands or forest lands pursuant to section 544d of this title and designated as open space pursuant to section 544d of this title. Open spaces include—

(1) scenic, cultural, and historic areas;

(2) fish and wildlife habitat;

(3) lands which support plant species that are endemic to the scenic area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;

(4) ecologically and scientifically significant natural areas;

(5) outstanding scenic views and sites;

(6) water areas and wetlands;

(7) archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;

(8) potential and existing recreation resources; and

(9) Federal and State wild, scenic, and recreation waterways;

(m) “recreation assessment” means the recreation assessment adopted pursuant to section 544d of this title;

(n) “residential development” means the permitting for siting or construction of any residence or other related major structure;

(o) “scenic area” means the Columbia River Gorge National Scenic Area established pursuant to section 544b of this title;

(p) “Secretary” means the Secretary of Agriculture;

(q) “special management areas” means areas within the scenic area established pursuant to section 544b of this title;

(r) “States” means the States of Oregon and Washington; and

(s) “urban areas” means those areas within the scenic area identified as urban areas on the map referred to in section 544b(e) of this title or within the boundaries of an urban area as revised pursuant to section 544b(f) of this title.

(Pub. L. 99-663, §2, Nov. 17, 1986, 100 Stat. 4274; Pub. L. 103-435, §17(b), Nov. 2, 1994, 108 Stat. 4573.)

#### REFERENCES IN TEXT

Federal Endangered Species Acts, referred to in subsec. (l)(3), are classified principally to chapter 35 (§1531 et seq.) of this title.

#### AMENDMENTS

1994—Subsec. (g). Pub. L. 103-435 substituted “Yakama Indian Nation” for “Yakima Indian Nation”.

#### SHORT TITLE

Pub. L. 99-663, §1, Nov. 17, 1986, 100 Stat. 4274, provided that: “This Act [enacting this section and sections 544a to 544p of this title and amending sections 1274 and 1276 of this title] may be referred to as the ‘Columbia River Gorge National Scenic Area Act’.”

#### § 544a. Purposes

The purposes of sections 544 to 544p of this title are—

(1) to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

(Pub. L. 99-663, §3, Nov. 17, 1986, 100 Stat. 4276.)

#### § 544b. Establishment of scenic area

##### (a) National scenic area

(1) There is hereby established the Columbia River Gorge National Scenic Area.

(2) BOUNDARIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the boundaries of the scenic area shall be generally depicted on the map entitled “Boundary Map, Columbia River Gorge National Scenic Area,” numbered NSA-001 sheets 1 and 2, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service.

(B) EXCLUSIONS.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete<sup>1</sup> Meridian, Clark County, Washington, that consists of—

(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98-396); and

(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i).

##### (b) Special management areas

(1) The following areas within the boundaries of the scenic area are hereby designated “Special Management Areas”: Gates of the Columbia River Gorge; Wind Mountain; Burdoin Mountain; and Rowena.

(2) The boundaries of the special management areas designated by paragraph (1)—

(A) shall be generally depicted on the map entitled “Special Management Areas, Columbia River Gorge National Scenic Area”, numbered SMA-002 sheets 1 through 17, and dated September 1986, which shall be on file and

<sup>1</sup> So in original. Probably should be “Willamette”.

available for public inspection in the offices of the Commission and of the Chief, Forest Service; and

(B) shall include all islands within the boundaries of the scenic area.

(3) **MODIFICATION OF BOUNDARIES.**—The boundaries of the special management areas are modified as depicted on a map dated September 20, 2000, which shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia, and copies shall be available in the office of the Commission, and the headquarters of the scenic area.

**(c) Revision of special management area boundaries**

The Secretary, in consultation with the Commission, may make minor revisions in the boundaries of special management areas after publication of notice to that effect in the Federal Register and submission of notice thereof to the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and Natural Resources of the United States House of Representatives. Such notice shall be published and submitted at least sixty days before the revision is made. Notice of final action regarding such revision shall also be published in the Federal Register.

**(d) Dodson/Warrendale Special Purchase Unit**

(1) There is hereby established the Dodson/Warrendale Special Purchase Unit.

(2) The boundaries of the Dodson/Warrendale Special Purchase Unit shall be generally depicted on the map entitled “Dodson/Warrendale Special Purchase Unit, Columbia River Gorge National Scenic Area”, numbered SPU-003 sheet 1, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service.

**(e) Urban areas**

(1) The following cities and towns are hereby designated as “Urban Areas”: Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington.

(2) The boundaries of urban areas shall be generally depicted on the map entitled, “Urban Areas, Columbia River Gorge National Scenic Area”, numbered UA-004 sheets 1 through 11, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service. The boundaries of urban areas designated in this subsection may be revised pursuant to the provisions of this section.

**(f) Revision of urban area boundaries**

(1) Upon application of a county and in consultation with the Secretary, the Commission may make minor revisions to the boundaries of any urban area identified in subsection (e) of this section. A majority vote of two-thirds of the members of the Commission, including a majority of the members appointed from each State, shall be required to approve any revision of urban area boundaries.

(2) The Commission may revise the boundaries of an urban area only if it finds that—

(A) a demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;

(B) revision of urban area boundaries would be consistent with the standards established in section 544d of this title and the purposes of sections 544 to 544p of this title;

(C) revision of urban area boundaries would result in maximum efficiency of land uses within and on the fringe of existing urban areas; and

(D) revision of urban area boundaries would not result in the significant reduction of agricultural lands, forest lands, or open spaces.

(Pub. L. 99-663, § 4, Nov. 17, 1986, 100 Stat. 4276; Pub. L. 103-437, § 6(d)(34), Nov. 2, 1994, 108 Stat. 4585; Pub. L. 105-277, div. A, § 101(e) [title III, § 354(a)], Oct. 21, 1998, 112 Stat. 2681-231, 2681-303; Pub. L. 106-31, title V, § 5004(3), May 21, 1999, 113 Stat. 110; Pub. L. 106-291, title III, § 346(d), Oct. 11, 2000, 114 Stat. 1000.)

REFERENCES IN TEXT

The Second Supplemental Appropriations Act, 1984, referred to in subsec. (a)(2)(B)(i), is Pub. L. 98-396, Aug. 22, 1984, 98 Stat. 1369. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2000—Subsec. (b)(2). Pub. L. 106-291, § 346(d)(1), substituted “by paragraph (1)” for “in this section” in introductory provisions.

Subsec. (b)(3). Pub. L. 106-291, § 346(d)(2), which directed amendment of subsec. (b)(2) by adding at the end a par. (3), was executed by adding par. (3) after subsec. (b)(2), to reflect the probable intent of Congress.

1999—Subsec. (a)(2). Pub. L. 106-31 made technical correction to directory language of Pub. L. 105-277. See 1998 Amendment note below.

1998—Subsec. (a)(2). Pub. L. 105-277, as amended by Pub. L. 106-31, inserted par. (2) heading, designated existing provisions as subpar. (A), inserted heading, and substituted “Except as provided in subparagraph (B), the boundaries” for “The boundaries”, and added subpar. (B).

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committees on Agriculture and”.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-31, title V, § 5004(4), May 21, 1999, 113 Stat. 110, provided that: “The amendments made by paragraphs (1), (2), and (3) of this section [amending this section and section 1374 of this title], shall take effect as if included in Public Law 105-277 on the date of its enactment [Oct. 21, 1998].”

CONGRESSIONAL INTENT OF 1998 AMENDMENT

Pub. L. 105-277, div. A, § 101(e) [title III, § 354(b)], Oct. 21, 1998, 112 Stat. 2681-231, 2681-303, provided that: “The amendment made by subsection (a) [amending this section]—

“(1) is intended to achieve the intent of Congress set forth in Public Law 98-396 [see Tables for classification]; and

“(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act [see Short Title note set out under section 544 of this title].”

### § 544c. Columbia River Gorge Commission

#### (a) Establishment and membership of Commission

(1) To achieve the purposes of sections 544 to 544p of this title and to facilitate cooperation among the States of Oregon and Washington, and with the United States of America, the consent of Congress is given for an agreement described in sections 544 to 544p of this title pursuant to which, within one year after November 17, 1986—

(A) the States of Oregon and Washington shall establish by way of an interstate agreement a regional agency known as the Columbia River Gorge Commission, and shall incorporate sections 544 to 544p of this title by specific reference in such agreement. The Commission shall carry out its functions and responsibilities in accordance with the provisions of the interstate agreement and of sections 544 to 544p of this title and shall not be considered an agency or instrumentality of the United States for the purpose of any Federal law;

(B) the States of Oregon and Washington shall provide to the Commission, State agencies, and the counties under State law the authority to carry out their respective functions and responsibilities in accordance with the provisions of paragraph (1)(A) of this subsection; and

(C) the States of Oregon and Washington shall appoint members of the Commission as provided in clauses (i) through (iii), subject to applicable State law: *Provided*, That the Governor of either State may extend the time for appointment of Commission members ninety days to provide more time for the States and counties to make such appointments. Membership of the Commission shall be as follows:

(i) six members, comprised of one resident from each of the following counties: Hood River, Multnomah, and Wasco Counties, Oregon, and Clark, Klickitat, and Skamania Counties, Washington, to be appointed by the governing body of each of the respective counties: *Provided*, That in the event the governing body of a county fails to make such appointment, the Governor of the State in which the county is located shall appoint such member;

(ii) three members who reside in the State of Oregon, at least one of whom shall be a resident of the scenic area, to be appointed by the Governor of Oregon;

(iii) three members who reside in the State of Washington, at least one of whom shall be a resident of the scenic area, to be appointed by the Governor of Washington; and

(iv) one ex officio, nonvoting member who shall be an employee of the Forest Service, to be appointed by the Secretary.

(2) The agreement shall take effect and the Commission may exercise its authorities pursuant to the agreement upon the appointment of four initial members from each State, subject to applicable State law, and the date of such an agreement shall be the date of establishment of the Commission. Such agreement is hereby consented to by the Congress.

(3) Either State or any county may fill any vacancy occurring prior to the expiration of the term of any member originally appointed by that State or county. Each member appointed to the Commission shall serve a term of four years, except that, with respect to members initially appointed pursuant to paragraph (1)(C)(i), each Governor shall designate one member to serve for a term of five years and one to serve for a term of six years, and one member from each State initially appointed pursuant to paragraph (1)(C)(ii) and (iii) shall be designated by the Governor to serve a term of five years, and one to serve a term of six years. Neither the Governors nor the governing bodies of any of the counties may appoint Federal, State, or local elected or appointed officials to the Commission.

(4) A majority of the members of the Commission shall constitute a quorum. The members of the Commission shall select from among themselves a Chairman by majority vote of the members appointed from each State.

(5) Except for the ex-officio member appointed pursuant to paragraph (1)(C)(iv), the members and officers and employees of the Commission shall not be officers or employees of the United States for any purpose. The Commission shall appoint, fix compensation for, and assign and delegate duties to such officers and employees as the Commission deems necessary to fulfill its functions under sections 544 to 544p of this title. The compensation of Commission members shall be fixed by State law. The compensation of Commission members, officers, and employees and the expenses of the Commission shall be paid from funds provided to the Commission by the States.

#### (b) Applicable law

For the purposes of providing a uniform system of laws, which, in addition to sections 544 to 544p of this title, are applicable to the Commission, the Commission shall adopt regulations relating to administrative procedure, the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the Commission, advisory committees, and disclosure of information consistent with the more restrictive statutory provisions of either State. Regulations applicable to financial disclosure under this subsection shall be applied to members of the Commission without regard to the duration of their service on the Commission or the amount of compensation received for such service. No contract, obligation, or other action of the Commission shall be an obligation of the United States or an obligation secured by the full faith and credit of the United States.

#### (c) Assistance to Commission

Upon the request of the Commission, the Secretary and other Federal agencies are authorized to provide information, personnel, property, and services on a reimbursable basis, and the Secretary is authorized to provide technical assistance on a nonreimbursable basis, to the Commission to assist it in carrying out its functions and responsibilities pursuant to sections 544 to 544p of this title.

#### (d) Advisory committees

The Commission shall establish voluntary technical and citizen advisory committees to as-