

September 8, 2020

VIA EMAIL

Columbia River Gorge Commission
c/o connie.acker@gorgecommission.org

Re: Columbia River Gorge Management Plan (Redline Draft dated September 2020)

Dear Chair Liberty and Commissioners:

Please include this letter in the formal record of the Gorge 2020 Management Plan revision process on behalf of the Port of The Dalles (“Port”).

On June 1, 2020, the Columbia River Gorge Commission (“Commission”) issued a redline of the proposed revisions to the management plan (“June Draft”). The June Draft was the first time the public and stakeholders had the opportunity to review the proposed revisions to the management plan in redline, in their entirety since the beginning of the Gorge 2020 process. When the June Draft was released, staff issued a 30-day public comment period, ending June 30, 2020. There were numerous comments from the public and stakeholders that the 30-day comment period was insufficient time to review the 500+ page plan that had significant revisions to existing policy language and let alone prepare formal written comments. Commenters requested a longer public comment period for the June Draft, which the Commission ignored.

The Commission held public meetings on August 11 and 12 to discuss the June Draft and the received comments. Staff subsequently released another version of the management plan on August 27, 2020, noting it as the September 2020 version (“September Draft”). The September Draft further revises the policy language from the June Draft and includes many revisions that staff have characterized as clarifications or corrections in addition to substantive changes recommended by the Commission from the August meetings. It contains three colors of redline to reflect the reiterative revisions over time. The Commission is scheduled to review and issue a decision on the September Draft on September 8, 2020.

The public and stakeholders had less than 6 business days (over a holiday weekend no less) to review and prepare comments on the 500+ page plan with multiple iterative revisions, many of which presented for the first time in the September Draft.

This timeframe is woefully inadequate for the public and stakeholders to provide meaningful comments on the September Draft before the Commission makes a decision. It also provides

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very little time for commissioners themselves to review and consider staff's proposed revisions before being asked to make a decision on September 8, 2020.

The Port has raised issues and concerns with the Commission's process and substantive revisions to the management plan in written and oral testimony throughout the Gorge 2020 process. The Port reiterates its concerns with respect to the September Draft and reserves its right to argue on appeal issues that were not previously addressed in earlier written and oral testimony. The Port maintains that many revised policies in the September Draft are inconsistent with the two purposes of the Act and routinely prioritize one purpose of the Act over the other. Many revisions are simply arbitrary in nature and raise questions concerning the breadth of the Commission's discretion. These changes include but are not limited to language in the following sections:

- Introduction and Glossary;
- Part I, Chapter 2 Scenic Resources, Chapter 3 Natural Resources, and Chapter 4 Recreation Resources;
- Part II Land Use Designations;
- Part III Action Program; and
- Part IV, Chapter 1 Gorge Commission Role

The Port should not be prejudiced on appeal by the unreasonably short period of time to review and provide meaningful comments on a policy document that has long-lasting, if not permanent changes to NSA policy. To the extent it even applies, the Port has provided the requisite 60-day notice to Commission that it is reserving its rights to challenge the Management Plan revisions on appeal, whether through this letter or its earlier filings.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink that reads "Elaine R. Albrich". The signature is written in a cursive, flowing style.

Elaine R. Albrich

cc: Port of The Dalles