



1499 SE Tech Center Place, Ste. 380
Vancouver, WA 98683

Tel. (360) 567-3900
Fax (360) 567-3901

www.jordanramis.com

Jamie D. Howsley
Admitted in Oregon and Washington
jamie.howsley@jordanramis.com
Direct Dial: (360) 567-3913

May 26, 2020

VIA EMAIL ONLY

Columbia River Gorge Commission
ATTN: Connie Acker
E-Mail: Connie.Acker@gorgecommission.org

Re: ***Comments on Gorge 2020 Land Use Revisions***

Dear Chair Liberty and Commissioners:

On behalf of Judith Zimmerly, property owner of the Washougal Pit, we are submitting the following comment on the draft Gorge 2020 Land Uses Chapter revisions presented to the Columbia River Gorge Commission ("Commission"). We are also concerned that the Commission is operating on its own agenda and not properly considering public involvement, or the repercussions of pushing through a significant update to its Management Plan during a public health emergency. We thank the Commission for its consideration of this comment.

On April 29, 2020 the Commission held a work session on Gorge 2020 Land Uses Focus Topics, including mining. On May 12, 2020, in response to public testimony offered by Jordan Ramis PC, the Commission stated that it had reached a "consensus" on mining related topics at its April 29 work session. A review of both the official minutes for the April 29 work session, as well as the audio file minutes, show this was clearly not the case.¹ Rather, the Commission failed to reach a consensus as to whether it could restrict the use and transport of aggregate material produced within the General Management Area. We are concerned that no further discussion on this topic has occurred in public view, since the April 29 work session.

As reflected in our May 11 public comment letter, the Commission lacks the authority to restrict the use and transport of aggregate material produced within the General Management Area. Such an action is not in accordance with the National Scenic Area Act ("the Act") and violates Washington's Growth Management Act, RCW 36.70A.020 ("GMA"). The Commission should decline to include any restrictions on the transportation of aggregate material produced in the National Scenic Area within the draft language it endorses for public comment during the formal June 1-30, 2020 comment period. The inclusion of any such restriction in the draft language would occur without the Commission reaching a consensus on this issue, thus it would be impossible for the Commission to *endorse* such a revision to the Management Plan.

We are perturbed with the prospect of the Commission endorsing mining-related revisions to the Management Plan without reaching a consensus or having discussion in a forum that allows for public

¹ The approved written minutes for the April 29 work session merely states "[c]ommissioners briefly discussed the concept of restricting the use of material mined in the National Scenic Area."

involvement. Such an action would abrogate public involvement in the Gorge 2020 process and run contrary to making this Management Plan update an open and transparent process. We respectfully request the Commission decline to include language restricting the use of material mined in the National Scenic Area in the endorsed language to be made available for the formal June comment period.

In addition to our concerns regarding the Land Use Chapter Revisions, we believe the Commission should delay the formal comment period until the situation surrounding the COVID-19 pandemic has clarified. The policy decisions made in the past two months, as well as those yet to come, have concrete and long-lasting ramifications on the Communities and individuals residing within the National Scenic Area. The Commission has already heard testimony regarding the inability to ensure adequate public involvement from interested stakeholders, while these same stakeholders are dealing with the impacts of COVID-19. Holding a formal comment period during a public health emergency does not further public involvement in the Gorge 2020 process. We respectfully request the Commission delay the formal comment period and take the additional time necessary to ensure meaningful public engagement and decision-making.

Very truly yours,

JORDAN RAMIS PC

/Jamie Howsley/

Jamie D. Howsley