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June 30, 2020

Sent Via E-mail: [Gorge2020@gorgecommission.org](mailto:Gorge2020@gorgecommission.org)

Columbia River Gorge Commission  
PO Box 730  
White Salmon WA 98672

## **Re: Comments on the Management Plan for the Columbia River Gorge National Scenic Area**

Dear Chair Liberty and Commissioners:

Weyerhaeuser Company (“Weyerhaeuser”) appreciates the opportunity to comment on the draft Management Plan for the Columbia River Gorge National Scenic Area (“draft plan”).

Weyerhaeuser is a forest products company that manages 2.9 million acres in Washington and Oregon, with almost 3,000 acres of designated forest land in the General Management Area (“GMA”) in the Columbia River Gorge National Scenic Area (“Scenic Area”). GMA lands make up half of the Scenic Area and are primarily for agriculture and forestry uses, which were specifically recognized in the Columbia River Gorge National Scenic Area Act (“NSA” or “Act”), 16 U.S.C. Title 544. The Act received bipartisan support for the idea that forestry and agriculture should continue to play an important economic role in the community. As a result, the Act includes a full chapter outlining requirements when changes are proposed that impact commercial forest land use in designated areas.

The announcement of the draft plan and the short 30 day public comment period undermines the Columbia River Gorge Commission’s (“Commission”) longstanding commitment to a fair and open public process. The draft plan also fails to acknowledge the authority of the Washington Department of Natural Resources and Oregon Department of Forestry to regulate forest practices, and furthermore does not comply with several provisions of the Act, including directives to protect and enhance forest land for forest uses.

We support draft plan comments of other forest landowners, including SDS Lumber Company and Broughton Lumber dated June 30, 2020. In addition, we emphasize below several additional concerns with the draft plan:

### **1) Given the significant deviations from the draft plan, additional public review and consultation with state agencies, county government and regulated industries is necessary.**

As a private forest landowner in the Columbia River Scenic Area, we request that the Commission withdraw the draft plan and seek additional review from private land owners impacted by the plan as well as the general public. Further, it is important that the Commission fulfill its obligation to consult with the State of Washington, and the State of Oregon, specifically consultation with both Washington Department of Natural Resources and Oregon Department of

Forestry is necessary as both agencies have clear authority for forest management within the Scenic Area. Results from such government-to-government consultations should be open and transparent to the public and regulated industries.

Given the significant deviations made from the draft plan, a 30 day comment period is insufficient for public and stakeholder engagement. Additionally, such a short comment period does not allow adequate time to consult with appropriate state agencies. At a minimum, a longer comment period is particularly important during the Covid-19 pandemic and necessary to ensure transparency with stakeholders.

As stated in other submitted comments, including the April 28, 2020 letter from Port of The Dalles, the Commission must address substantive differences between the December and April draft plans before approval. The Commission must also explain why staff recommendations have been ignored in plan revisions, including recommendations regarding defining low intensity uses contained in the Staff Letter dated December 11, 2018 from Jessica Olson and Casey Gatz, and recommendations related to priority habitat winter range and sensitive wildlife areas from the Staff Report dated May 14, 2019. As part of the administrative record, a responsiveness summary and explanation of deviations between the draft plan changes and staff recommendations needs to be developed. Accordingly, we believe the best course of action is for the Commission to withdraw this proposal and engage stakeholders in a meaningful and transparent manner.

## **2) The draft plan fails to properly account for state and local authority designated in the Act.**

Forest land within the scenic area is already well regulated under Washington and Oregon Forest Practice regulations. For example, state forest practice regulations limit clear cut sizes to support wildlife after harvest, require replanting of trees and protect natural resources like fish and wildlife habitat and water quality. Those state-level forest practice regulations should guide the Commission in the development of this plan.

Unfortunately, this version of the plan drafted by the Commission fails to recognize that state forest practice regulations supersede the Act as noted below:

The Act created a scenic area in the Columbia River Gorge that balances economic development in the scenic area with resource protection:

Except for the management, utilization, or disposal of timber resources of non-Federal lands within the special management areas, nothing in [the Act] shall affect the rights and responsibilities of non-Federal timber land owners under the Oregon and Washington Forest Practices Act or any county regulations which under applicable State law supersede such Acts.

16 U.S.C. § 544o(c).

Amending GMA policies by expanding the Open Space definition related to priority habitat and sensitive wildlife sites may arbitrarily constrain forest management activity on private lands and fails to account for existing regulations enacted and enforced by state agencies in Washington and Oregon that already manage sensitive species and wildlife. Several sections of the draft plan purport to supersede state forest practice regulations, specifically related to water resources, buffer zones and development of priority habitat. The Act forbids this interference with state laws, which leads to inconsistent and conflicting regulatory requirements imposed on private landowners.

**3)The draft plan amendments violate additional express provisions of the Act.**

Land use plan amendments are inconsistent with the Act's requirements to protect natural resource development and violate land use designations outlined in the Act's management plan standards. Specifically removing management plan provisions 3, 4, 8 and 9 impacts forest land and use protection. This directly conflicts with the Act's requirement that the Commission's land use ordinances include provisions to protect forest lands and forest uses. *See* 16 U.S.C. § 544(d).

Additionally, the draft plan also proposes overly burdensome criteria for fire protection requirements by adjusting fuel breaks to account for site slope, riparian vegetation, and additional resource protection. The Act does not permit this. The role of state forest agencies in wildfire mitigation and management is also not acknowledged. The draft plan also includes inconsistent land use designation for forestland by not allowing the conversion of forest land into agriculture, another direct conflict with the Act (16 U.S.C. § 544d(d)). Conflicts between the plan, the Act and Commission authority must be addressed before the draft plan is approved.

In closing, the failure to acknowledge state authority on private forest practices and develop a plan consistent with those regulations, additional discrepancies with the intent of the Act, and the lack of public discourse on the current draft plan, concern us about the legitimacy of the draft plan. We emphasize that the Commission should not only withdraw this draft plan, extend the public comment period and engage in additional stakeholder involvement, but also review the draft plan for compliance with the Act to avoid future conflicts in authority and plan validity.

Sincerely,



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