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FILED FOR RECORD  
SKAMANIA CO. WASH  
BY Skamania County

DEC 5 10 16 AM '95  
O'Leary  
AUDITOR  
GARY M. OLSON

1 DECLARATION OF MAILING  
2 I declare under penalty of perjury  
3 under the laws of the State of  
4 Washington that on the date listed  
5 below I mailed or caused delivery  
6 of a true copy of this document to  
7 all parties. DATED this 1st  
8 day of December, 1995,  
9 at Olympia, Washington.  
10 Signed: Nancy Helley

BEFORE THE FOREST PRACTICES APPEALS BOARD

STATE OF WASHINGTON

12 COLUMBIA RIVER GORGE  
13 COMMISSION, and  
14 CENTRAL CASCADES ALLIANCE,

Appellants,

v.

16 STATE OF WASHINGTON,  
17 DEPARTMENT OF NATURAL  
18 RESOURCES; DANIEL CATON;  
19 and PEGGY BRADFORD,

Respondents.

FPAB No. 95-30

MOTION TO JOIN  
SKAMANIA COUNTY AS  
A NECESSARY PARTY

20 Washington State Department of Natural Resources, by and  
21 through its attorneys Christine O. Gregoire, Attorney General, and  
22 Kay M. Brown, Assistant Attorney General, moves this Board for an  
23 order joining Skamania County as a necessary respondent. This  
24 motion is based on Civil Rule 19(a), WAC 223-080-030 and 040(8),

25 //

26 //

MOTION TO JOIN - 1

Registered   
Indexed   
Filed   
Served

ATTORNEY GENERAL OF WASHINGTON  
1125 Washington St. SE  
PO Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200

RECORDER'S NOTE:  
NOT AN ORIGINAL DOCUMENT

1 the records and files herein and the attached declaration of Debra  
2 Travis.

3 DATED this 1<sup>st</sup> day of December, 1995.

4 CHRISTINE O. GREGOIRE  
5 Attorney General

6 *Kay M B*  
7 KAY M. BROWN  
8 Assistant Attorney General  
9 WSBA No. 14599  
10 Attorneys for Respondent  
11 Department of Natural Resources  
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 9 at Olympia, Washington.  
 10 Signed: Yancy Hely

7 BEFORE THE FOREST PRACTICES APPEALS BOARD  
 8 STATE OF WASHINGTON  
 9

10	COLUMBIA RIVER GORGE	)	
	COMMISSION, and	)	
11	CENTRAL CASCADES ALLIANCE,	)	
		)	FPAB No. 95-30
12	Appellants,	)	
		)	
13	v.	)	
		)	
14	STATE OF WASHINGTON,	)	MEMORANDUM IN SUPPORT
	DEPARTMENT OF NATURAL	)	OF MOTION TO JOIN
15	RESOURCES; DANIEL CATON;	)	SKAMANIA COUNTY
	and PEGGY BRADFORD,	)	
16		)	
	Respondents.	)	
17		)	

18 **FACTS**

19 On November 14, 1995, the Department of Natural Resources  
 20 (DNR) approved Forest Practices Application (FPA) 11-21176.  
 21 Travis Declaration, Exhibit 1. The application involves road  
 22 building and timber harvest on 45 acres in Skamania County, in an  
 23 area designated as General Management Area (GMA) Open Space under  
 24 Skamania County Ordinance No. 1993-04. FPA 11-21176 was appealed  
 25 by the Gorge Commission and Central Cascade Alliance (CCA).  
 26 Exhibit 2. Appellants allege, among other things, that DNR's

MEMORANDUM IN SUPPORT  
 OF MOTION TO JOIN - 1

ATTORNEY GENERAL OF WASHINGTON  
 1125 Washington St. SE  
 PO Box 40100  
 Olympia, WA 98504-0100  
 (360) 753-6700



1 a portion of the Gorge Scenic Area that is located in Skamania  
2 County. It has staked its claim by adopting Ordinance No. 1993-  
3 04, which provides regulatory standards more stringent than the  
4 Forest Practices Act for regulation of forest practices in the GMA  
5 open space. Answering the legal questions raised by this appeal,  
6 in the county's absence, could well impair the county's ability to  
7 enforce its own ordinance.

8 A decision in the county's absence could also leave parties  
9 at risk of incurring inconsistent obligations by reason of the  
10 county's interest. For example, if the FPAB rules that only the  
11 Forest Practices Act applies to regulation of forest practices in  
12 the GMA open space, and the county is not a party, the county  
13 might still attempt to enforce its own ordinance to the detriment  
14 of the landowner. For a second example, the FPAB could rule that  
15 the Skamania County Ordinance is the applicable standard in the  
16 GMA Open Space and that the county has the authority and duty to  
17 enforce its ordinance. If the county is not a party to the  
18 appeal, the county may refuse to enforce its ordinance despite the  
19 FPAB ruling, and the appellants will not have obtained relief.

20 Under both CR 19(a) (1) or (2), Skamania County qualifies as  
21 a necessary party to this appeal. The county is subject to  
22 service of process, and its joinder would not deprive the FPAB of  
23 jurisdiction over this matter. In order to provide a meaningful  
24 forum for litigation of this longstanding dispute, it is important  
25 that all parties to the dispute are involved. Only in that way,  
26 can the meaty issues raised by this appeal be resolved.

MEMORANDUM IN SUPPORT  
OF MOTION TO JOIN - 3

ATTORNEY GENERAL OF WASHINGTON  
1125 Washington St. SE  
PO Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200

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III. CONCLUSION

Because it is a necessary party pursuant to CR 19, the DNR respectfully requests that the Board issue an order joining Skamania County in this appeal.

DATED this 1<sup>st</sup> day of December, 1995.

Respectfully submitted,

CHRISTINE O. GREGOIRE  
Attorney General



KAY M. BROWN  
Assistant Attorney General  
WSBA NO. 14599

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2 I declare under penalty of perjury  
3 under the laws of the State of  
4 Washington that on the date listed  
5 below I mailed or caused delivery  
6 of a true copy of this document to  
7 all parties, DATED this 15<sup>th</sup>  
8 day of December, 1995,  
9 at Olympia, Washington.  
10 Signed: Marcy Helay

11 **BEFORE THE FOREST PRACTICES APPEALS BOARD**  
12 **STATE OF WASHINGTON**

13 COLUMBIA RIVER GORGE )  
14 COMMISSION, and )  
15 CENTRAL CASCADES ALLIANCE, )  
16 ) FPAB No. 95-30  
17 Appellants, )  
18 v. )  
19 STATE OF WASHINGTON, ) NOTE FOR  
20 DEPARTMENT OF NATURAL ) MOTION CALENDAR  
21 RESOURCES; DANIEL CATON; )  
22 and PEGGY BRADFORD, )  
23 Respondents. )

24 TO: THE CLERK OF THE FPAB BOARD and to all other parties:  
25 PLEASE TAKE NOTICE That an issue of law in this case will be  
26 heard on the date below and the Hearings Coordinator is directed  
to note this issue on the appropriate calendar.  
Calendar date: December 13, 1995  
Day of Week: Wednesday  
Time of day: 9:30 a.m.  
Nature of Motion: Motion to Join

NOTE FOR MOTION CALENDAR - 1

ATTORNEY GENERAL OF WASHINGTON  
905 Main Street, Building 3  
PO Box 40100  
Olympia, WA 98504-0100  
(206) 753-6200

1 This motion will be held telephonically. The proponent of  
2 this motion, Department of Natural Resources, is responsible for  
3 coordinating telephone hearings and placing telephone calls to all  
4 named parties including the Forest Practices Appeals Board at the  
5 designated date and time.

6 DATED this 1<sup>st</sup> day of December, 1995.

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*Kay M. Brown*  
\_\_\_\_\_  
KAY M. BROWN  
Assistant Attorney General  
WSBA # 14599  
Attorney for Respondent  
Dept. of Natural Resources



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4 Washington that on the date listed  
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8 day of December, 1995,  
9 at Olympia, Washington.  
10 Signed: Nancy Heley

11 **BEFORE THE FOREST PRACTICES APPEALS BOARD**

12 **STATE OF WASHINGTON**

13 COLUMBIA RIVER GORGE )  
14 COMMISSION, and )  
15 CENTRAL CASCADES ALLIANCE, )  
16 Appellants, ) FPAB No. 95-30  
17 v. )  
18 STATE OF WASHINGTON, )  
19 DEPARTMENT OF NATURAL )  
20 RESOURCES; DANIEL CATON; )  
21 and PEGGY BRADFORD, )  
22 Respondents. )  
23 )  
24 )  
25 )  
26 )

1 I, DEBRA TRAVIS, am over eighteen years of age and am  
2 competent to make this declaration.

3 1. I am an Administrative Assistant I with the Department of  
4 Natural Resources in the Southwest Regional office in Castle Rock,  
5 Washington.

6 2. As part of my regular duties I am responsible for the  
7 maintenance of all forest practices files for the Southwest  
8 Region.

9 **DECLARATION OF DEBRA TRAVIS - 1**

10 **ATTORNEY GENERAL OF WASHINGTON**  
11 905 Fifth Street, Building 3  
12 PO Box 40100  
13 Olympia, WA 98504-0100  
14 (206) 753-6200

1 3. I have reviewed the attached document, labeled Exhibit 1,  
 2 and the region file for Forest Practices Application (FPA) 11-  
 3 21176. This document is an accurate copy of the FPA 11-21176  
 4 which is contained in the official file.

5 I declare under penalty of perjury under the laws of the  
 6 State of Washington that the foregoing is true and correct.

7  
 8 12/1/95 - Coalla Rock, Washington  
 9 DATE AND PLACE

Debra Travis  
 DEBRA TRAVIS

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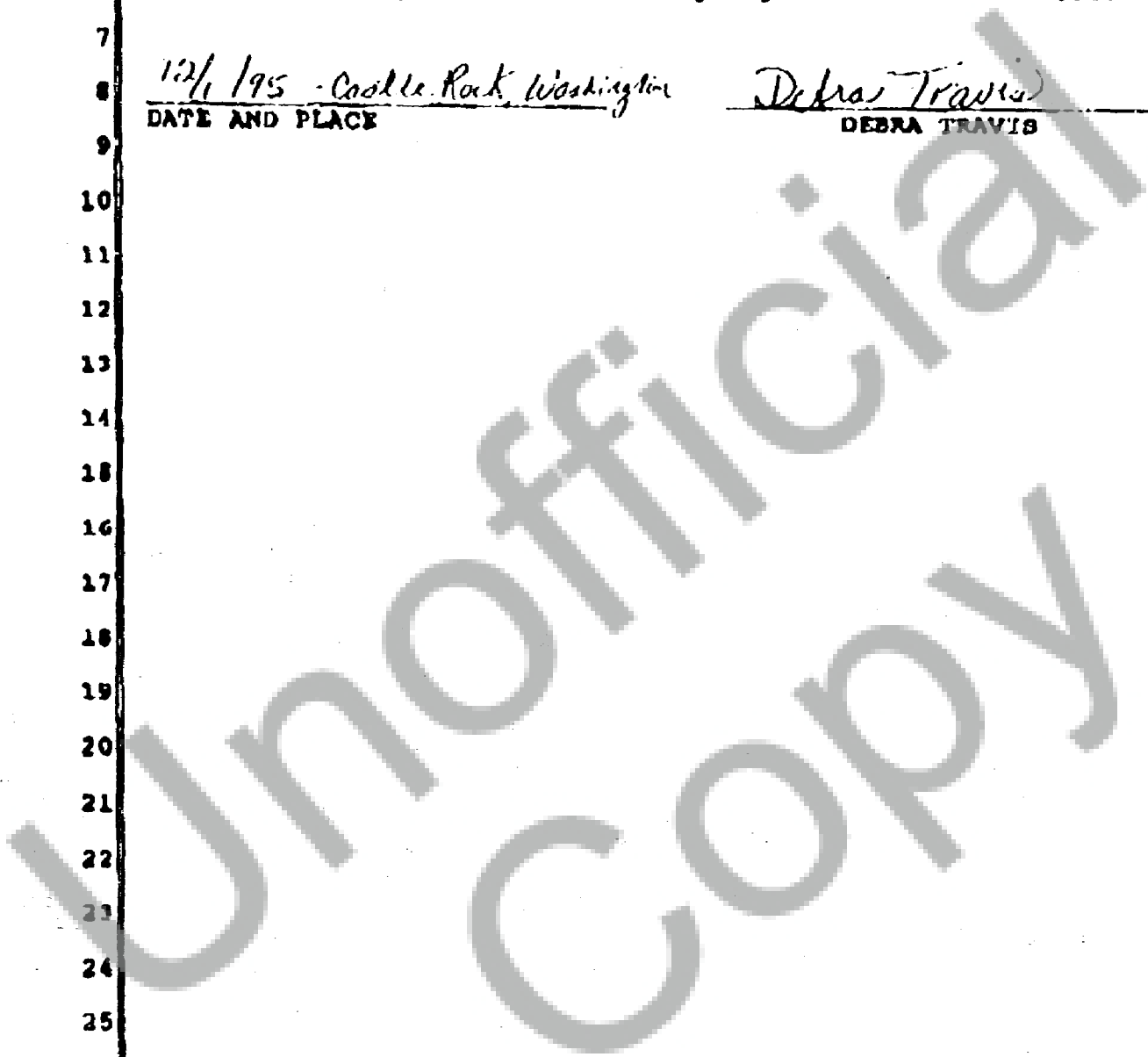
DECLARATION OF DEBRA TRAVIS - 2

ATTORNEY GENERAL OF WASHINGTON  
 905 First Street, Building 3  
 PO Box 40000  
 Olympia, WA 98504-0000  
 (360) 753-6000

DNR SW REGION # 07/3

12-1-95 : 12:07 : STATE ATTORNEY GEN.

SENT BY STATE OF WASHINGTON



Commission

Columbia River Gorge

RECEIVED

NOV 17 1995

ATTORNEYS GENERAL'S OFFICE  
NATURAL RESOURCES DIVISION

Post Office Box 730 • White Salmon Washington 98672 • 509 493 3323 • Fax 509 493 2229

November 15, 1995

Ms. Judy Greer  
State Forest Practices Appeals Board  
4224 6th Avenue SE  
Bldg. 2, Rowe Six  
P.O. Box 40903  
Lacey, WA 98504-0903

Re: Forest Practice Application  
Caton/Bradford - FPA No. A-11-21176


Dear Ms. Greer:

Please find enclosed for filing the original and two copies of the Appeal of Department Approval in the above referenced matter. Please date stamp one copy and return it to us in the enclosed envelope that has pre-paid postage.

In addition, please note we are respectfully requesting a stay and a hearing on the stay before the Forest Practices Appeals Board. I am available by telephone at 509-493-3323 to schedule a hearing on the stay at a time that is convenient for you and for Mr. Kahn.

Thank you very much for your attention to this matter.

Sincerely,



Lawrence Watters  
Counsel

cc: Department of Natural Resources  
Jonathan Doherty  
Gary Kahn  
Laurie Aunan  
Michael Lang

Exhibit 2

NOTICE  
COMMENCING A PROCEEDING  
BEFORE THE  
FOREST PRACTICES APPEALS BOARD  
STATE OF WASHINGTON

Date: November 15, 1995

APPEAL OF  
DEPARTMENT APPROVAL

Name of Appellants:

Columbia River Gorge Commission  
P.O. Box 730  
White Salmon, WA 98672

Central Cascades Alliance  
P.O. Box 86100  
Portland, OR 97286

Represented By:

Lawrence Watters  
Counsel  
Columbia River Gorge Commission  
P.O. Box 730  
White Salmon, WA 98672

Gary Kahn  
Attorney at Law  
P.O. Box 86100  
Portland, OR 97286

RE: Forest Practices Application  
Caton/Bradford, FPA No. A-11-21176

1. This proceeding is authorized by RCW 76.09.220(8).
2. The appellants hereby elect a formal hearing.
3. The attached application/notification for a forest practice was received by the Department of Natural Resources on October 11, 1995 and notice of such approval showing the date thereof is attached. (Exhibit "A")
4. Lands within the jurisdiction and interests of the Columbia River Gorge Commission, a regional agency, and Central Cascades Alliance, are affected by the approval.
5. The same lands within the jurisdiction of the Columbia River Gorge Commission are a special interest of the Central Cascades Alliance ("CCA"); CCA is a nonprofit corporation dedicated to protecting the long term economic, cultural and biological sustainability of the

Central Cascades community, with an emphasis on the area between Mt. Adams (in Washington) and Mt. Hood (in Oregon).

6. The approval by the Department of Natural Resources of the forest practice was invalid and without authority because it involves a forest practice governed by the purposes and standards of the Columbia River Gorge National Scenic Area Act, the Columbia River Gorge Compact adopted by Washington and Oregon incorporating the National Scenic Area Act, the Management Plan required by the National Scenic Area Act (approved by the U.S. Department of Agriculture, Forest Service and the Columbia River Gorge Commission), and Skamania County Ordinance No. 1993-04 (which implements the Management Plan within Skamania County).

The forest practice is inconsistent with and violates the National Scenic Area Act, the Columbia River Gorge Compact, the Management Plan adopted thereunder, and Skamania County Ordinance No. 1993-04.

The practice specifically violates the Management Plan of the National Scenic Area Act and the Skamania County Ordinance by allowing the commercial harvest of timber on lands designated open space within the General Management Area of the National Scenic Area. Commercial timber harvest is prohibited on lands designated open space within the General Management Area by the Management Plan and the ordinance.

7. All state agencies are specifically required to carry out their functions in accordance with the National Scenic Area Act and the Columbia River Gorge Compact. 16 USC 544; RCW 43.97.025(1). The Department's approval of this forest practice thus violates these statutes and the Management Plan of the National Scenic Area, as well as the Skamania County Ordinance.

8. The practice also violates the Forest Practices Act and State Environmental Policy Act ("SEPA") because it converts open space lands to forest uses. Based on the requirements of WAC 222-16-050(2)(a), it was misclassified as Class III and should have been reclassified as Class IV - General. The application also results in segmentation of the project and failure to consider environmental impacts related to it in violation of SEPA. (Exhibit "B", letter to DNR from Jonathan Doherty, Columbia River Gorge Commission, October 24, 1995)

REQUEST FOR HEARING AND STAY

The appellants, Columbia River Gorge Commission and Central Cascades Alliance, respectfully request a stay of the decision of the Department of Natural Resources and a hearing on the stay. It is critical for the Board to preserve the status quo pending the resolution of this appeal in order to prevent irreparable harm, and appellants request reversal of the Department's decision.

The forest practice is in an area designated open space with spectacular scenic qualities protected under the National Scenic Area Act and Management Plan. Any harvesting in the area, pending a hearing on the merits of this appeal, will irreparably harm resources protected by law, before the Forest Practices Appeals Board has rendered a final decision. The resources are unique and irreplaceable, and include sensitive wildlife habitat as well as outstanding scenic resources highly vulnerable to disturbance. The Washington Department of Fish and Wildlife has identified the area as Larch Mountain salamander habitat. This species is listed as "sensitive" by both the state and the Management Plan. The scenic resources are an integral part of the National Scenic Area and are highly visible from several key viewing areas. Moreover, through segmentation and misclassification of the project, SEPA and the Forest Practices Act have been violated.

For these reasons, appellants have no adequate remedy at law and respectfully request a stay, pending a hearing on the appeal.

I have read the foregoing and believe the contents to be true.

DATED this 15 day of November, 1995.

Lawrence Watters  
Lawrence Watters  
Counsel for Appellant  
Columbia River Gorge Commission  
288 E. Jewett Blvd.  
PO Box 730  
White Salmon, WA 98672

Gary Kahn per LW  
Gary Kahn  
Counsel for Appellant  
Central Cascades Alliance  
4035 SE 52nd Avenue  
PO Box 86100  
Portland, OR 97286

**ATTENTION: Daniel Caton, Peggy Jo Bradford**

Upon receipt of this Notice, you are a party to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this date I filed the original of the foregoing with:

State Forest Practices Appeals Board  
4224 6th Avenue SE,  
Bldg. 2, Rowe Six  
P.O. Box 40903  
Lacey, WA 98504-0903

and served a true copy of the foregoing on the following parties:

Daniel Caton  
PO Box 224  
Scappoose, OR 97056

Peggy Jo Bradford  
23702 NE 142nd Avenue  
Battleground, WA 98604

State Department of Natural Resources  
1111 Washington Street SE,  
PO Box 47001  
Olympia, WA 98504-7001

Department of Natural Resources  
Southwest Region  
PO Box 280  
Castle Rock, WA 98611

Kay Brown  
State Attorney General  
Natural Resources Division  
1125 Washington Street SE,  
PO Box 40100  
Olympia, WA 98504-0100

by placing with the United States Postal Service, via fully prepared First Class Mail, a certified



true copy of said document to each above named party.

DATED this 15 day of November, 1995.

Lawrence Watters  
Lawrence Watters, WSBA #7454  
Columbia River Gorge Commission  
288 E. Jewett Blvd.  
P.O. Box 730  
White Salmon, WA 98672

Gary Kahn  
Gary Kahn, OSB #81481  
Central Cascades Alliance  
4035 SE 52nd Avenue  
P.O. Box 86100  
Portland, OR 97286



UNIT OF ACQUISITION  
 FOREST PRACTICES APPLICATION  
 To Brian Litt  
 Company  
 Location  
 FMS  
 Comments

300-214-4198

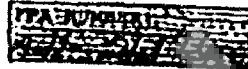
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49 No. 002 P. 01  
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From 2  
 Debbiea Travis  
 Company  
 Location P. N. R.

Post  
 Original  
 Duplication  
 Copy  
 None  
 Call to phone

FOREST PRACTICES APPLICATION/NOTIFICATION  
 PROCESS AND CONDITIONS



T. 25

Date Received: 10/11/95	Review Comments Due: 10/25	Final Due Date: 11/13/97	Shutdown Zone: WA 30 660
NAME OF OPERATOR Daniel W. Eaton	NAME OF LANDOWNER Peggy Bradford	NAME OF TIMBER OWNER Peggy Bradford	

SECTION(S)	TWP Rth	ROE E/W
30	S	10E

CLASS OF APPLICATION	
<input type="checkbox"/>	CLASS II
<input type="checkbox"/>	CLASS III
<input checked="" type="checkbox"/>	CLASS III-F <i>PLS. HAS SMALL</i>
<input type="checkbox"/>	CLASS IV-S <i>STICS</i>
<input type="checkbox"/>	CLASS IV-S

COUNTY(S) WHERE PROPOSED ACTIVITY WILL OCCUR: STROMANIA

APPLICATION APPROVED  
 CONDITIONS TO THIS APPLICATION / NOTIFICATION

THIS OPERATION REQUIRES:  Hydraulic Project Approval  Environmental Checklist  
 Completed FPA Form Map  Compliance with Approval Conditions  
 Other

APPROVAL CONDITIONS:  
See Addendum A

PRE-FILE REVIEW COMPLETE  APPLICATION INCOMPLETE  APPLICATION COMPLETE  
 APPLICATION ON HOLD  APPLICATION DISAPPROVED

DEPARTMENT OF NATURAL RESOURCES SIGNATURE: <i>[Signature]</i>	TITLE: Forest Practices Coordinator	DATE: 11/13/95	INIT.: dt
REGION: SOUTHWEST	AGENCY COPIES SENT: 10-17-95	FINAL COPIES SENT: 11/14/95	EFFECTIVE DATE: 11/14/95 EXPIRATION DATE: 11/14/97

COPIES DISTRIBUTED TO:  FORESTER  ECOLOGY  FISHERIES  WILDLIFE

AFFECTED INDIAN TRIBE: Yakama OTHERS:  LOCAL GOVERNMENT:   
 AFFECTED INDIAN TRIBE: National Forest OTHERS: State of Washington LOCAL GOVERNMENT:   
 AFFECTED INDIAN TRIBE: Tribe of the Barge OTHERS: Yakama LOCAL GOVERNMENT: unstable soils

NO  
ROS

October 24, 1995

Eric Wisch  
Forest Practices Coordinator  
Washington DNR-SW Region  
601 Bond Road, S-12  
P.O. Box 280  
Castle Rock, WA 98611

Subject: Forest Practice Application #A-11-21176

Dear Mr. Wisch:

On October 19, 1995, the Columbia River Gorge Commission received a copy of forest practice application #A-11-21176 from your office. This application proposes harvest of 45 acres of lands designated Open Space in the General Management Area of the Columbia River Gorge National Scenic Area. This application represents that portion of a previously-pending application (#A-11-20721) on which the Commission has already commented in a June 8, 1995 letter to Lloyd Handlos. The concerns expressed in that letter regarding proposed timber harvesting on lands designated Open Space apply equally to this application. I have enclosed a copy of that letter herein for your reference.

The Gorge Commission has significant concerns about this forest practice application. It violates the Columbia River Gorge National Scenic Area Act (Scenic Area Act) and Columbia River Gorge Compact, the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), Skamania County's Scenic Area ordinance, and has the potential to cause significant adverse environmental impacts. In addition, the application has been misclassified as Class III-P, and should be reclassified as Class IV, subject to SEPA review. Specific aspects of these concerns are summarized below.

Violation of Scenic Area Act, Interstate Compact, State Law, Management Plan and County Ordinance

The Scenic Area Act directed the Gorge Commission to designate lands as "Open Space" that meet the definition thereof contained in that federal statute. Lands proposed for harvest in this application were determined by the Commission to contain scenic and natural resources of sufficient significance and sensitivity to warrant their designation as Open Space rather than Forest Land. In a similar vein, this area of the Underwood Bluffs was classified as a Resource Conservation Area in Skamania County's Shorelines Plan prior to the Scenic Area designation. The primary use of this area has been and continues to be open space and resource conservation, not forest land. In addition, even under the definition of "forest land" in WAC 222-16-010, the subject area is not forest land and the application represents a conversion of the area from open space to forest land uses.

The Management Plan and Skamania County Ordinance 1993-04 (implementing the Management Plan) prohibit commercial timber harvest on lands designated Open Space. The proposed harvest thus violates both the Management Plan and its implementing ordinance.

The Columbia River Gorge Compact and Enabling Statutes specifies that state agencies are required to carry out their respective functions and responsibilities in accordance with the compact, Scenic Area Act, Management Plan and implementing ordinances (RCW 43.97.025). Approval of this application by DNR would constitute a violation of the interstate compact and state law.

Reclassification of Application and SEPA Review

The proposed timber harvest unit contains extremely steep slopes with erodible soils. The Soil Survey for Skamania County Area, Washington (USDA, SCS, October 1990) has mapped soils in this area to include large areas of soils in the 50-90% slope range that are rated as having rapid runoff and severe water erosion hazard. Due to these constraints, these soils are rated as poorly suited for timber production by the USDA, SCS.

Due to these factors, combined with the proposed high-lead cable harvest method, it is likely that slope instability and significant soil erosion will occur as a result of the proposed timber harvest. The prospects of successful forest regeneration, given these circumstances, are poor. It is highly questionable as to whether the reforestation requirements contained in WAC 222-34 can be satisfied in this proposed forest practice.

The proposed harvest is adjacent to the sole source of domestic drinking water for the Underwood Public Utility District. Timber harvesting above and adjacent to this water

source has the potential to adversely impact water quality and quantity. Given the extreme nature of the proposed unit's topography and soils, coupled with proximity to this important public resource, the application should be reclassified as Class IV-Special pursuant to WAC 222-16-050(1)(e). The public trust doctrine requires that such water resources, of vital importance to the public, be diligently protected from harm.

In addition, the proposed application would convert Open Space lands to forest uses. Based on the requirements of WAC 222-16-050(2)(a), the application should be reclassified as a Class IV-General. In either case, the application is currently misclassified as Class III. In light of the significant environmental issues raised by this application, SEPA review should be required through a reclassification to Class IV status.

SEPA review would allow a more careful consideration of other potentially significant environmental impacts associated with this application. For example, the harvest area is within 1000' of a known Larch Mountain salamander site and has been identified as Larch Mountain salamander habitat by the Washington Department of Fish and Wildlife. This species is listed as "sensitive" by Washington state. The canopy removal and soil erosion and disturbance associated with the proposed harvest would cause probable adverse impacts to this sensitive species. Further site surveys and mitigation recommendations are needed to prevent such adverse impacts.

This application and application #A-11-21177 represent a segmentation of one previous application that is the subject of a pending review under SEPA, with Skamania County as the lead agency. This segmentation of the prior proposed project into two projects is a major concern. The Commission expressed significant concerns about proposed harvesting on Open Space lands in our comment letter on the environmental checklist for the prior application. This segmentation appears to remove from the scope of the county's review a controversial element of the project pursuant to SEPA. That, combined with the Class III classification by your agency, would have the effect of avoiding environmental review on precisely those aspects of the prior application that should be subject to the greatest degree of scrutiny and public disclosure under SEPA. Such segmentation is contrary to the spirit and purpose of SEPA regarding full public review and comprehensive evaluation of a total project's environmental impacts.

In sum, I respectfully urge you to take the correct action on this application. This includes reclassification to Class IV status, a review of the entire project under SEPA and ultimately, denial of this application because it violates the Scenic Area Act, the Management Plan, the Gorge Compact and the county ordinance.

Thank you for considering our comments and providing the Commission with the opportunity. Please call me or Brian Litt, Commission staff planner at (509) 493-3323 if you have any questions about these comments. I would appreciate receiving

notification regarding your decisions on this application.

Sincerely,

  
Jonathan Doherty  
Executive Director

cc: Mark Mazeski, Skamania County Planning  
Vern Vesey  
Dan Caton  
Peggy Bradford  
Mary Morrow

UNOFFICIAL  
COPY