



825 N.E. Multnomah, Suite 1700
Portland, Oregon 97232
503-813-5700
Property.Management@PacifiCorp.com

March 22, 2019

Via Email: apeters@co.skamania.wa.us
Via First Class Mail
Skamania County Planning Commission
c/o Skamania County Community Development
P.O. Box 1009
Stevenson, Washington 98648

RECEIVED
SKAMANIA COUNTY

MAR 26 2019

COMMUNITY DEVELOPMENT
DEPARTMENT

***Re: Area 18 as Noted on the Underwood Area Zoning Review Maps
Location: Portion of Skamania County, Washington 03100300030000
Request for Further Consideration of Specific Zoning Classification***

To Whom It May Concern:

This letter is a follow up to the Underwood Area Zoning Review Planning Commission Public Workshop #3 on Tuesday, March 19, 2019, wherein landowners and members of the public were granted an opportunity to share their opinions on possible rezoning options as well as to make requests and recommendations for the Commission to consider in its effort to rezone areas currently designated as “Unmapped (UNM)” in the Underwood Area.

PacifiCorp made a recommendation during the workshop to reassign Item #18 to a zoning designation of Residential 5 Zone Classification (“R-5”). PacifiCorp gave this recommendation on the basis that such zoning is consistent with similar forested land to the north on the same tax lot. Additionally, other nearby pieces of land currently hold an R5 designation.

At the workshop, the Commission clarified that it cannot consider a designation of R-5 for Item # 18 because of its proximity to a portion of area already designated as National Scenic Area. However, it was noted that the Commission can consider zoning designations of Residential 10 Zone Classification (“R-10”) and Natural Zone Classification (“NAT”).

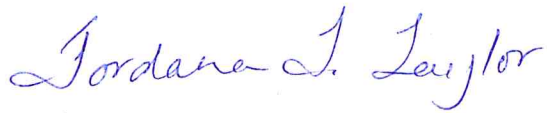
PacifiCorp is aware there are two recognized streams on the property and that the slope grade over the majority of this approximately 22-acre portion of a much larger parcel may be approximately 40% or greater which means the parcel may not be suitable for development. However, a designation of R-10 allows the property owner to retain greater flexibility to conduct activities on the property in the future than a designation of NAT.

PacifiCorp is supportive of an R-10 designation by the Commission for the area known as Item # 18, rather than a designation of R-5 or NAT and hereby formally requests that the Commission considers a reassignment of R-10 from UNM for Item # 18.

Please feel free to contact me by telephone at 503-813-6143 or via email at Jordana.Taylor@PacifiCorp.com if you have any questions or would like further

information. We look forward to receiving the Commission's proposal after its next meeting on April 2, 2019.

Sincerely,



Jordana T. Taylor
Senior Property Specialist
PacifiCorp Property Management

Alan Peters

From: Just Carole Rat <Just_C_Rat@msn.com>
Sent: Tuesday, March 26, 2019 4:35 PM
To: Alan Peters
Subject: Re: Email

Follow Up Flag: Follow up
Flag Status: Flagged

SKAMANIA COUNTY
COMMUNITY DEVELOPMENT
DEPARTMENT
MAR 26 2019

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

On Mar 26, 2019, at 4:22 PM, Alan Peters <apeters@co.skamania.wa.us> wrote:

Alan Peters, AICP | Assistant Planning Director
SKAMANIA COUNTY COMMUNITY DEVELOPMENT
170 NW Vancouver Ave | PO Box 1009 | Stevenson, WA 98648
apeters@co.skamania.wa.us | 509.427.3906

Sent from my iPhone

On Mar 18, 2019, at 2:50 PM, Just Carole Rat <just_c_rat@msn.com> wrote:

Alan, could you forward or deliver my letter below to the proper Planning Commissioners?
Thank you in advance,
Carole Ratermann

March 18, 2019

Skamania Co. Planning Commission:

I am a descendent of a long-time Underwood family. In 1901 my German-born Great Grandfather, Heinrich Kapp, Sr., came to live in Underwood and started the Kapp Meat Market there. His son, Carl Kapp, (my Grandfather) was born in Underwood in 1905. Carl Kapp's Daughter, Carlie Kapp Holmes, (my Mother) lived in Underwood from birth (1929) until after high school. Jack Kapp, now living at the Kapp Ranch (my 2nd Cousin) told me of his concern that descendants of early Underwood families might be "priced out" of affordable housing opportunities in the near future— due to large view properties.

With that in mind, I am seeking your approval to change the entire 40.2 acres of my property (tax parcel #03100900040000) to be all R-2 zoning. I am hoping this change would allow me to be prepared, and flexible, to sell the property in a way that is beneficial to those with Underwood "roots" if future opportunities arise.

I appreciate your consideration in this matter.

Sincerely,

Carole Ratermann

Property Owner

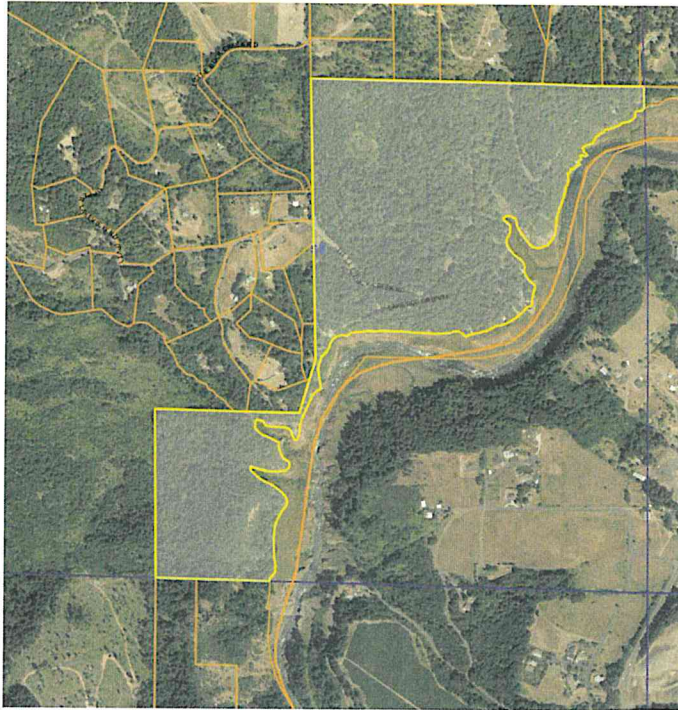
Tax Parcel #03100900040000

#20 on the maps you provided

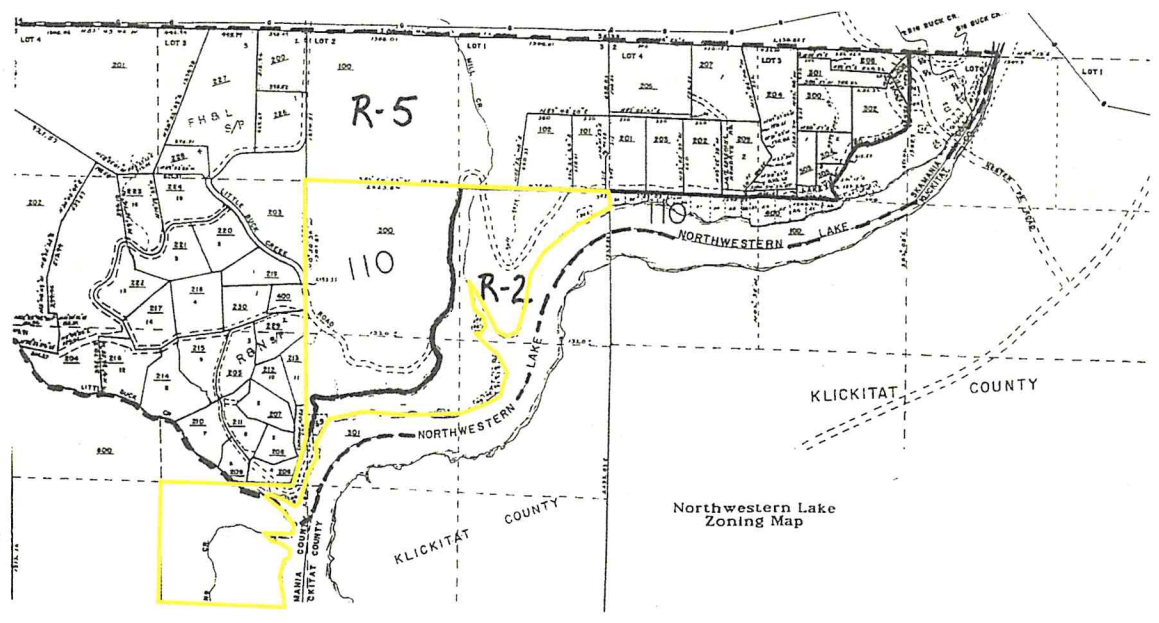
LISA
HAMERLYNCK

LOT 18- Zoning Recommendation for *Natural (NAT)*- supplemental information

CLATSOP COUNTY
COMMUNITY DEVELOPMENT
DEPARTMENT
MAR 27 2019

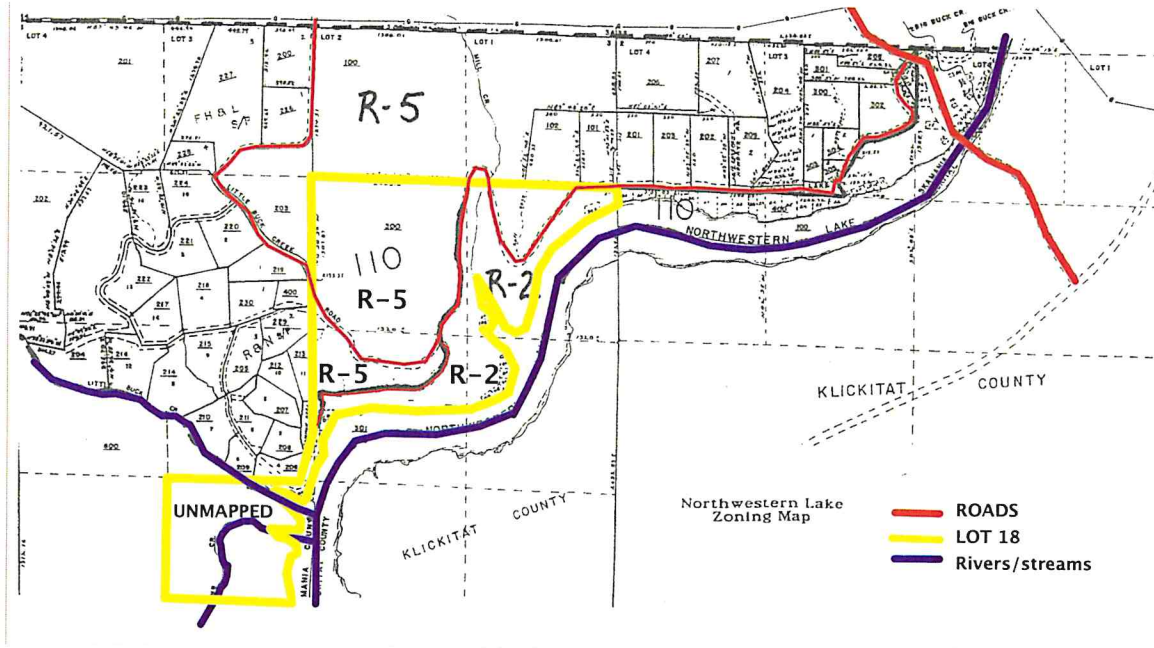


Northwestern Lake Zoning



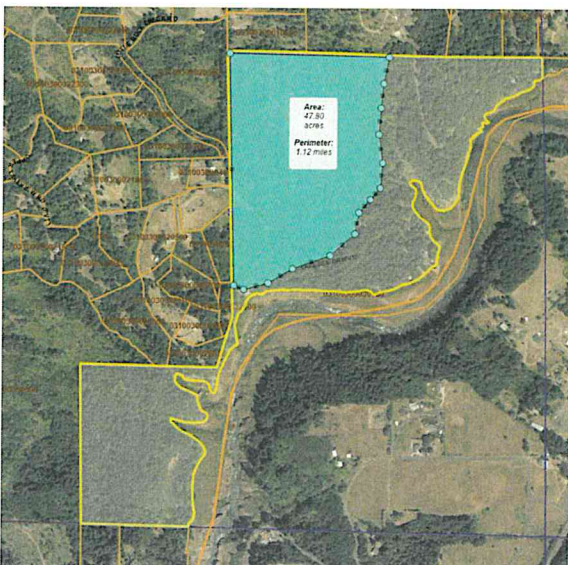
Lot 18

Existing use and zoning on Lot 18 is divided by Lakeview Road, White Salmon River, and Little Buck Creek.

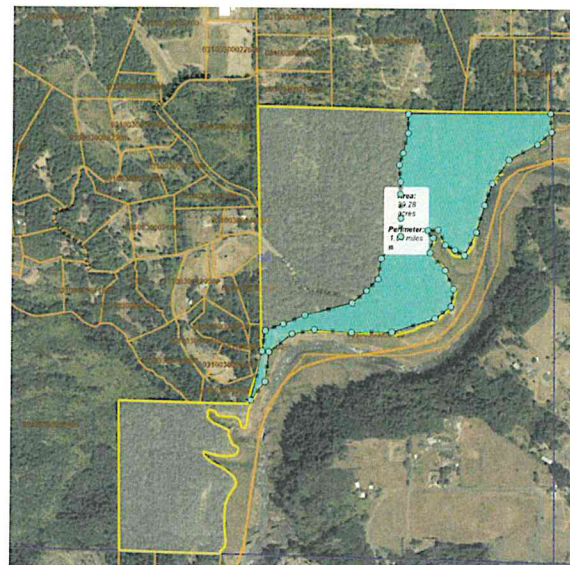


Areas of existing zoning

Northwestern Lake R-5

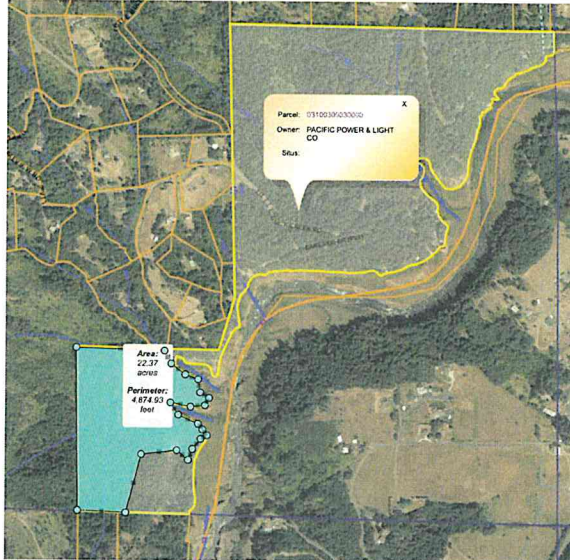


Northwestern Lake R-2



Areas of existing zoning

Unmapped zone

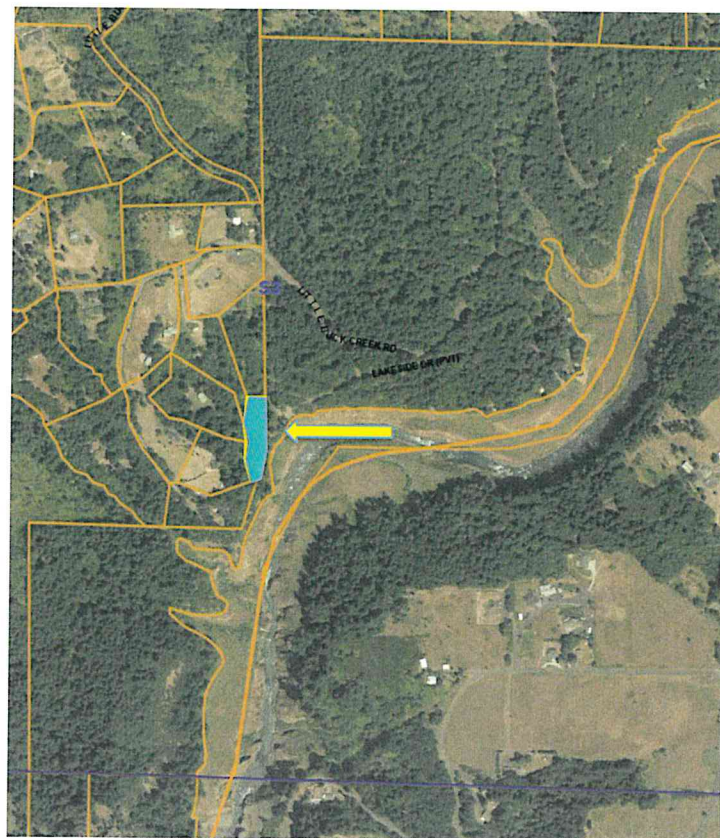


Natural Scenic area- Open Space



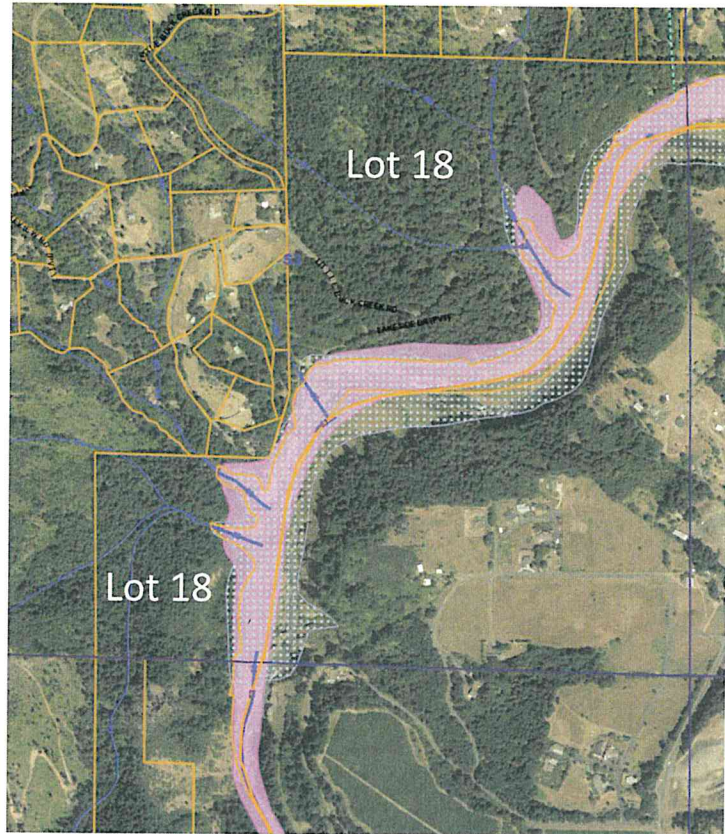
Parcel owned by the Northwestern Lake Development Homeowners association adjacent to Lot 18.

Designated as Open Space





Lot 18 – Critical areas

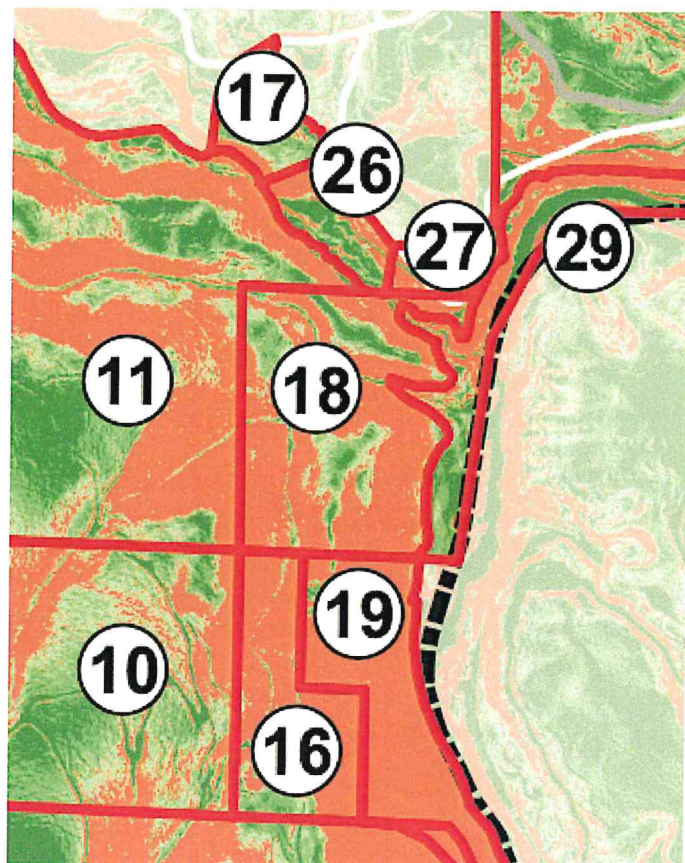
Mapped rivers, streams, wetlands, and flood plains at confluence of White Salmon River and Little Buck Creek.



STEEP SLOPES LOT 18 SOUTH OF LITTLE BUCK CREEK

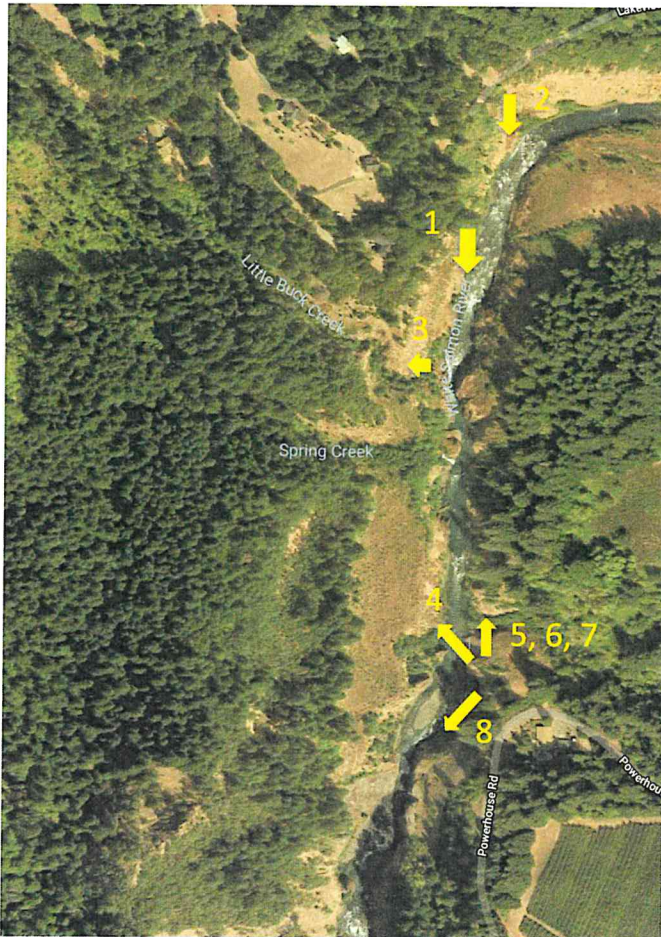
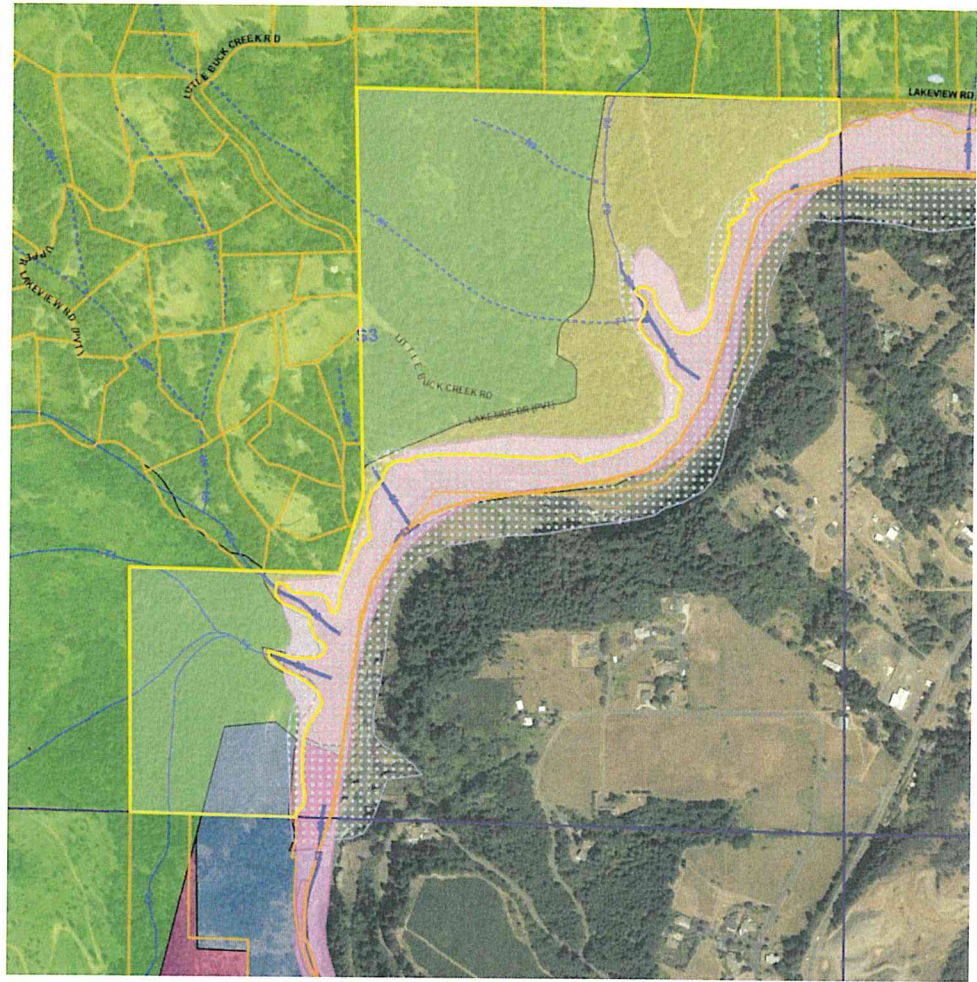
Percent Slope

-  20% or less
-  20% - 30%
-  30% - 40%
-  40% or greater



MAPPING OVERLAYS
FROM SKAMANIA
COUNTY MAPSIFTER

- Streams
- Creeks
- Shoreline protection
- Wetlands
- Zoning overlays
- Floodway



Lot 18
photo
points



PHOTO 1

LOOKING SOUTH TOWARDS NARROWS OF WHITE SALMON RIVER
DOWNSLOPE FROM LOT 18



PHOTO 2

LOOKING SOUTH AT LOT 18 AND 19. WATERFALL IS LITTLE BUCK CREEK
ENTERING THE WHITE SALMON RIVER. LOT 19 IS FOREST PATCH ON
RIGHT OF RIVER ABOVE THE FALLS.



PHOTO 3

LOOKING WEST UP LITTLE BUCK CREEK. STEEP UNSTABLE SLOPE LEFT BY REMOVAL OF DAM. LINE OF SNOW WAS FORMER LAKE LEVEL.

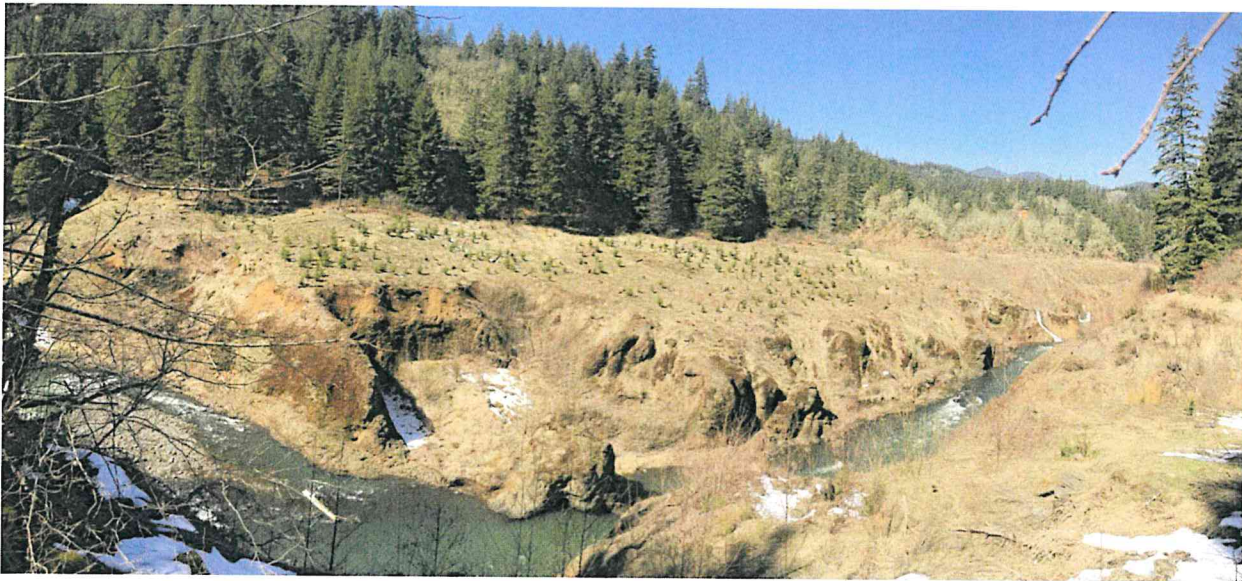


PHOTO 4

LOOKING NW ACROSS WHITE SALMON RIVER. OPEN AREA WAS FORMERLY BELOW THE LAKE LEVEL. THE OAK AND DOUG FIR FOREST AREA IS LOT 18 AND 19. NOTE LITTLE BUCK CREEK FALLS AND SPRING CREEK FALLS IN UPPER RIGHT.



PHOTO 5

CLOSE UP OF FALLS AND NARROWS. LOOKING NORTH. NOTE THE HOUSE IN THE UPPER CENTER....THIS IS LOT 27, SWICK.

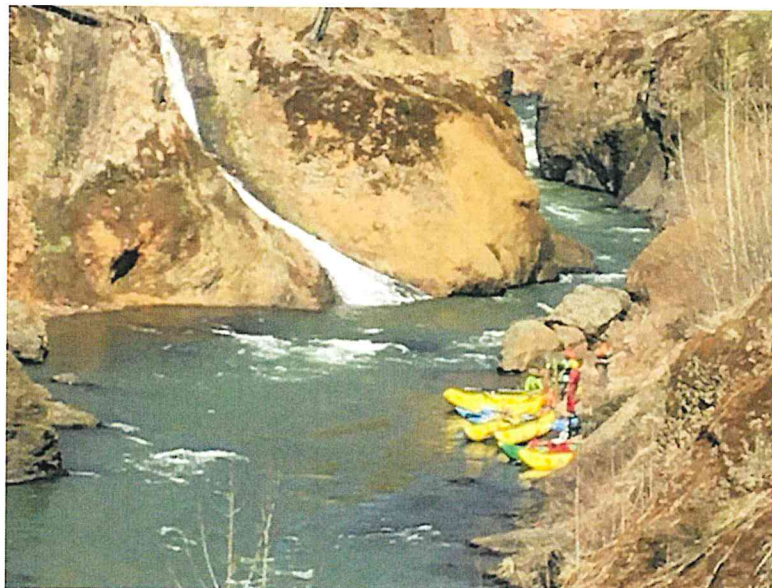


PHOTO 6

CLOSE UP OF RIVER KAYAKERS ON SHORE ACROSS FROM SPRING CREEK FALLS. THEY ARE TAKING PHOTOS OF NARROWS AND FALLS.

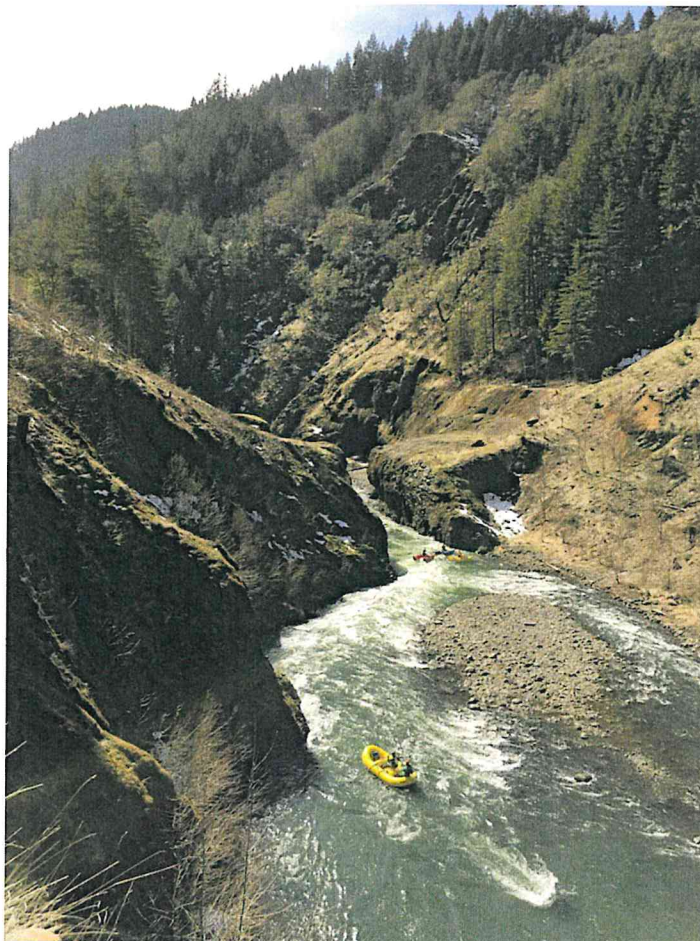


PHOTO 7

RECREATION USERS ON THE WHITE SALMON RIVER. DOWNSTREAM OF LITTLE BUCK CREEK AND SPRING CREEK FALLS. LOT 18 IS ON THE LEFT.

PHOTO 8

LOOKING SOUTH OVER THE WHITE SALMON RIVER. THE NARROWS ARE WHERE THE WHITE SALMON RIVER DAM USED TO BE. LOT 19 IS ON THE RIGHT.



Recommendation

Designate the unmapped portion of lot 18 as Natural (NAT) consistent with the National Scenic Area (open space) zoning already on the parcel.



Friends of the White Salmon River

Post Office Box 802
White Salmon, Washington 98672

friends@friendsofthewhitesalmon.org
www.friendsofthewhitesalmon.org

March 27, 2019

Skamania County Planning Commission
c/o Community Development Department
P.O. Box 1009
Stevenson, Washington 98648

MAR 27 2019

Re: Underwood Zoning

Via email to planningcommission@co.skamania.wa.us and
Alan Peters apeters@co.skamania.wa.us

Dear Commissioners,

Thank you for the opportunity to comment on the zoning process for Underwood.

Friends of the White Salmon River is a non-profit organization founded in 1976 for the purpose of protecting the White Salmon River watershed. Our members and supporters, including those who live in Skamania County, strongly support watershed protection and habitat protection for wild salmon returning to the river.

We are writing to express support for adopting zoning for the "Unmapped" parcels in the North Underwood area. Adopting zoning in this area will help protect the White Salmon River and its watershed, and it will also help provide better certainty to the local communities about what types of development projects are appropriate for the area.

The White Salmon River provides invaluable habitat for spawning salmon, recreational use for many local residents, unparalleled beauty and with these attributes, provides economic value to the local economy. Citizens, stakeholder groups, and multiple agencies support on-going efforts to restore threatened salmon and steelhead runs in the White Salmon River and its tributaries. It would be unfortunate if Skamania County were to adopt zoning that would allow higher-density residential development along the White Salmon, because such development could negatively affect the White Salmon River and its special resources.

We believe our region benefits from the recreation value of the White Salmon River and the nearby forest areas. The recreation value far outweighs the tax revenue that might be provided from increased residential development, which would need significant infrastructure capital expenditure and service provider costs. We hope you are able to find a fair balance between resource protection and the development desires of individual landowners.

We support Skamania County's efforts to zone all privately owned "Unmapped" areas of the County. In particular, we encourage the County to adopt zoning which protects the White Salmon River, the tributaries, and the scenic value of the river riparian areas for recreation users.

We agree with the following recommendations:

1. Assign *Natural (NAT)* or *Commercial Resource Lands 40 (CRL-40)* zones to parcels with critical resources, including steep slopes, fish-bearing streams, wetlands, wildlife habitat, aquifer recharge areas, and other riparian areas.
2. Avoid high-density residential development along the bluffs overlooking the White Salmon River by assigning these properties *Rural Estate 20 (RES-20)* zoning in order to protect the river and scenic values.
3. Assign the highest level of land protection to parcels of land abutting the White Salmon River. In particular: assign the zoning of *Natural (NAT)* to the unmapped portions of lots 16, 18, and 19. The *Natural* zone is consistent with the National Scenic Area designations and future Wild and Scenic River designations.
4. Assign *CRL-40* zoning to all parcels in the North Underwood area managed for commercial forestry, including all parcels owned by SDS Co. and Broughton Lumber.
5. Fix mapping errors on lots 17, 26, 27, 29, and 30 by assigning the zoning designation of the rest of the parcel.

Thank you for your time and efforts on behalf of all citizens of the County.

Very truly yours,



Patricia L. Arnold
President
Friends of the White Salmon River

April 1, 2019

Skamania County Planning Commission
c/o Community Development Department
P.O. Box 1009
Stevenson, WA 98648
planningcommission@co.skamania.wa.us



Re: Underwood Zoning

Dear Commissioners,

I am writing on behalf of of the Cabin Owners of Northwestern Lake (CONLA) to express support for adopting zoning for the "Unmapped" parcels in the North Underwood area. CONLA has particular interest in Lot #18, on which a number of the homes of our membership are sited.

We are in the process of preparing to act on our right of first refusal granted to us by PacifiCorp to acquire the cabin lands on lot #18. In a recent survey of membership, over 90% of homeowners in our community places a priority on conservation of natural resources and wildlife habitat around our homes. Adopting zoning in this area will help protect the White Salmon River and its watershed, and it will also help provide better certainty to the local communities about what types of development projects are appropriate for the area.

The White Salmon River is an amazing resource for its wild and scenic nature as well as the value it adds economically to the region. There have been significant efforts to restore endangered salmon and steelhead runs in the White Salmon River and its tributaries by citizens, stakeholder groups, and multiple agencies. It would be unfortunate if Skamania County were to adopt zoning that would allow higher-density residential development along the White Salmon, because such development could negatively affect the White Salmon River and its special resources.

We believe the region as a whole benefits from the recreation value of the White Salmon River. The recreation value far outweighs the tax revenue that might be provided from increased residential development, which would need significant infrastructure capital expenditure and service provider costs. We hope you are able to find a fair balance between resource protection and the development desires of individual landowners.

We support Skamania County's efforts to zone "Unmapped" areas, and to adopt zoning which protects the White Salmon River, the tributaries, and the scenic value of the river riparian areas for recreation users.

In specific, we make the following recommendations:

1. Assign *Natural (NAT)* or *Commercial Resource Lands 40 (CRL-40)* zones to parcels with critical resources, including steep slopes, fish-bearing streams, wetlands, wildlife habitat, aquifer recharge areas, and other riparian areas.
2. Assign the highest level of land protection to parcels of land abutting the White Salmon River. In particular: assign the zoning of *Natural (NAT)* to lot 18. The *Natural* zone is consistent with the National Scenic Area designations and possible future Wild and Scenic River designations.

Thank you for your time and efforts on behalf of all citizens of the County.

Sincerely,

A handwritten signature in black ink that reads "Steven Rauner". The signature is written in a cursive, flowing style.

Steven Rauner
CONLA Board Chair
503-702-1895

LAW OFFICES OF J. RICHARD ARAMBURU PLLC

720 Third Avenue, Suite 2000
Seattle, WA 98104
Telephone 206.625.9515
Facsimile 206.682.1376

www.aramburulaw.com
www.aramburu-eustis.com

April 1, 2019

Skamania County Planning Commission
c/o Community Development Department
P.O. Box 1009
Stevenson, WA 98648
planningcommission@co.skamania.wa.us



Re: Unmapped Lands in North Underwood Area

Dear Chair Prescott and Planning Commissioners:

Friends of the Columbia Gorge ("Friends") and Save Our Scenic Area ("SOSA") provide the following comments on the above-referenced zoning matter. Our organizations' members include hundreds of people who live, work, own property, and recreate throughout Skamania County. We are interested in Skamania County's review of its privately owned Unmapped lands, and the County's review of and updates to its Commercial Resource lands. We are encouraged that the County has continued its work on these topics pursuant to Skamania County Resolution 2017-30, and that the County still intends to complete this work by June 30, 2019. Adopting zoning for the Unmapped lands provides land use stability and benefits property owners in the area.

We will participate more fully on Underwood zoning once a public hearing is scheduled, and will limit our current comments to the zoning of the approved site for the Whistling Ridge Energy Project ("WREP"). In 2009, Whistling Ridge Energy, LLC, on behalf of SDS Lumber, filed an application with the Washington State Energy Facility Site Evaluation Council ("EFSEC"), seeking permission to construct a commercial wind energy facility consisting of up to 50 turbines, for a maximum capacity of up to 75 MW. The proposed site for the wind project included all of parcel #6 and portions of parcels #8 and #24. The proposed site totaled approximately 1,152 acres.

In March 2012, Washington's Governor issued a Site Certification Agreement ("SCA") that approved the project in part and denied the project in part. Specifically, the Governor denied permission to construct 15 of the 50 proposed turbines, and attached a legal description to the SCA specifying areas where wind turbines and other project components are prohibited. The Governor approved up to 35 turbines in the other proposed areas.

Under the Governor's SCA, the approved project "site," as that term is defined by RCW 80.50.020(19), totals approximately 744.2 acres. Along with this letter, we are submitting a map showing the approved WREP site, which includes all of Parcel #6 (155.36 acres), portions of Parcel #8 (including 176 acres of Unmapped land), and portions of Parcel #24 (including 395.9 acres of Unmapped land). Parcels #8 and #24 also contain 74.5 and 1,226.37 acres, respectively, of Unmapped land located *outside* the approved WREP site.

Pursuant to WAC 463-68-030 and 463-68-080, the SCA expires March 5, 2022, *unless* the project is not only under construction, but has also commenced commercial operations (*i.e.*, the project has begun sending power to the electrical grid) by that date. Since the approval of the project seven years ago, SDS has not moved forward with the remaining steps to conclude permitting and install wind turbines on the property.

When Governor Gregoire approved the project, the majority of the approved site was still "Unmapped." We recognize that the Energy Facilities Site Locations Act ("EFSLA") provides for limitations on adopting new zoning for the approved WREP site:

If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site.

RCW 80.50.090(2). Friends and SOSA agree that, so long as both this statutory provision and the approved SCA remain in effect, the project is statutorily vested. However, SDS has not taken any steps to complete the EFSEC approval process.

Although RCW 80.50.090(2) prohibits new changes in zoning from affecting the approved WREP site, if SDS does not in fact proceed with the wind energy project, and instead pursues another land development proposal, we believe that such a proposal should be subject to the same zoning requirements and procedures as apply to all other landowners in Skamania County. Accordingly, we request that the Planning Commission proceed to recommend zoning for the SDS and Broughton Lumber properties (including the approved WREP site) consistent with the Comprehensive Plan. However, such zoning could be made specifically subject to the provisions of the approved SCA. We suggest that this be made clear by adopting the following proviso:

This zoning shall not apply to the development of the Whistling Ridge Energy Project ("WREP") pursuant to the March 5, 2012 Site Certification Agreement ("SCA") for the WREP, so long as the SCA remains in effect.

With this language, the statutorily vested rights of SDS to proceed with the project as approved by the Governor will be preserved. The zoning of the property will

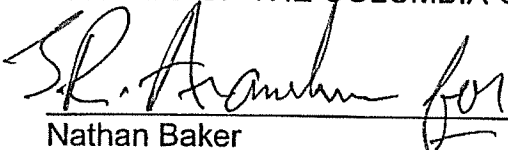
preserve the public interest by ensuring that if the Whistling Ridge project is not constructed, or if the SCA expires, any future land uses will be consistent with the Skamania County Comprehensive Plan and appropriate zoning standards. The terms of the Planning Enabling Act allow modifications to zoning that do not violate vested rights principles. See *Donwood, Inc. v. Spokane County*, 90 Wn. App. 389, 397, 957 P.2d 775 (1998).

In summary, the Planning Commission should recommend zoning for the subject properties, including the approved Whistling Ridge site, consistent with the Comprehensive Plan and sound zoning principles, but should also recognize the property owners' statutorily vested rights to proceed with the project under the SCA so long as it remains in effect.

Thank you for your careful attention to these important issues.

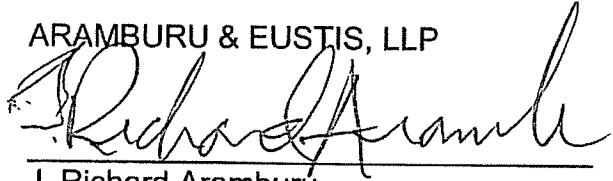
Sincerely,

FRIENDS OF THE COLUMBIA GORGE



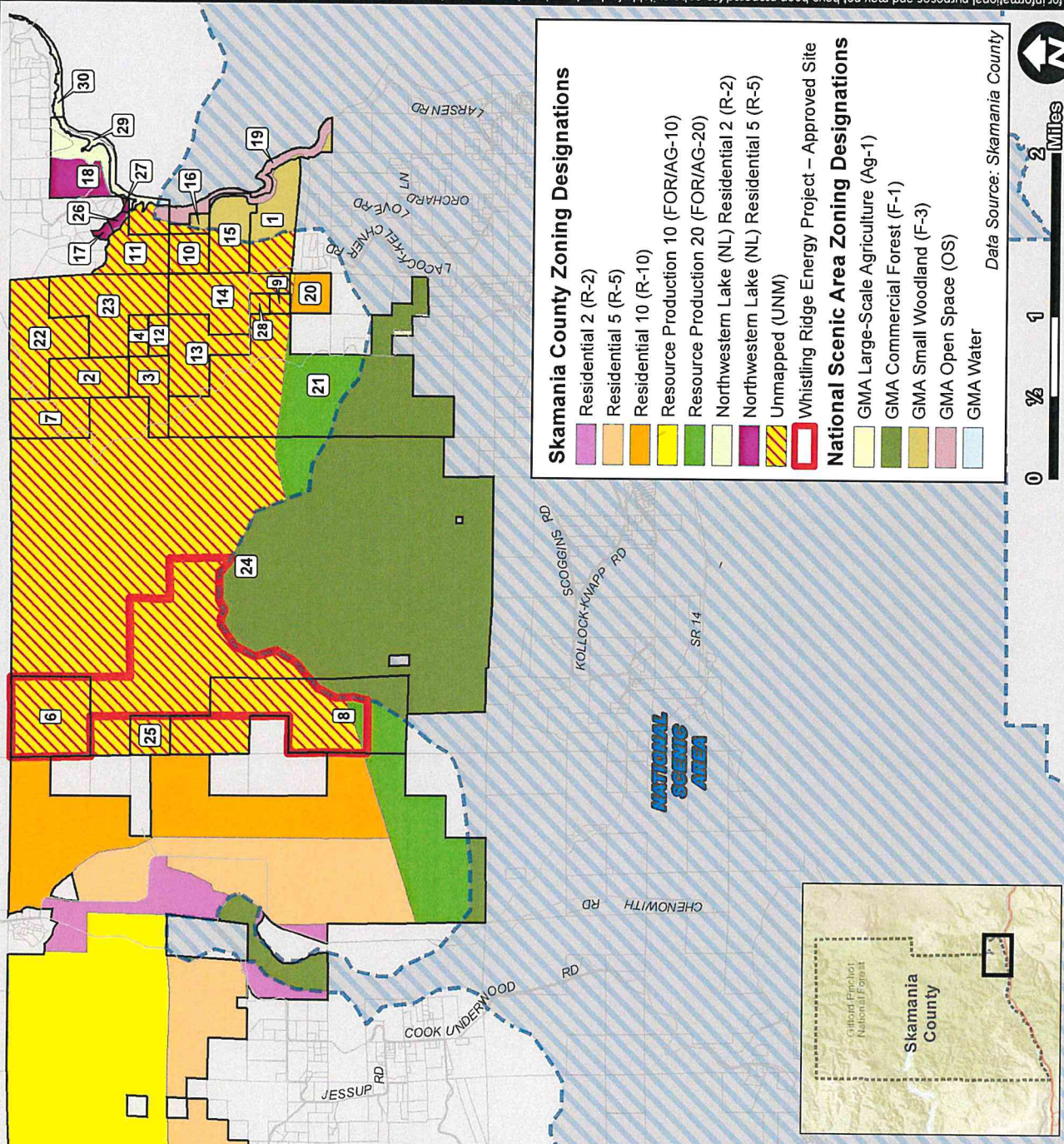
Nathan Baker
Senior Staff Attorney

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu
Attorney for SOSA

cc (via e-mail): Alan Peters, Skamania County Assistant Planning Director
Adam Kick, Skamania County Prosecuting Attorney



Skamania County Zoning Designations

- Residential 2 (R-2)
- Residential 5 (R-5)
- Residential 10 (R-10)
- Resource Production 10 (FOR/AG-10)
- Resource Production 20 (FOR/AG-20)
- Northwestern Lake (NL) Residential 2 (R-2)
- Northwestern Lake (NL) Residential 5 (R-5)
- Unmapped (UNM)
- Whistling Ridge Energy Project – Approved Site

National Scenic Area Zoning Designations

- GMA Large-Scale Agriculture (Ag-1)
- GMA Commercial Forest (F-1)
- GMA Small Woodland (F-3)
- GMA Open Space (OS)
- GMA Water

Data Source: Skamania County



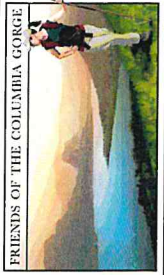
0 1/2 1 2 Miles

Map Number	Parcel ID	Total Acres	Unmapped Acres
1	03101000031000	109.67	38.2
2	03100000050000	78.23	78.23
3	03100000050100	59.31	59.31
4	03100000050300	20.15	20.15
5	03090000010000	5676.66	1050.77
6	03100000040000	155.36	155.36
7	03100000020000	76.7	76.7
8	03100000080000	365.18	250.5
9	03100900030000	10.07	10.07
10	03101000030900	39.28	39.28
11	03100300060000	66.18	66.15
12	03100000050200	20.05	20.05
13	03100900010000	101.94	101.94
14	03100900010100	121.66	121.66
15	03101000030000	75.42	36.85
16	03101000020000	14.66	7.03
17	03100300021400	5.02	0.02
18	03100300030000	118.98	22.21
19	03101000010000	51.55	0.2
20	03100900040000	40.02	2.48
21	03100000030100	582.51	224.13
22	03100000010000	154.41	154.41
23	03100000060000	161.92	161.92
24	03100000030000	3047.83	1622.27
25	03100000070000	38.13	38.13
26	03100300021000	5.38	0.57
27	03100300020600	2.14	32 SF
28	03100900020000	10.09	10.09
29	03100300030100	27.91	0.2
30	03100200010000	14.09	~1
Total	Unmapped Acres	4,369.88	

Unmapped Parcels - Zoning Designations

Skamania County, Washington

Underwood Area





SDS Lumber Company

P.O. Box 266
Bingen, WA 98605

Office: 509-493-2155
Fax: 509-493-2535

RECEIVED
SKAMANIA COUNTY

APR 02 2019

COMMUNITY DEVELOPMENT
DEPARTMENT

April 2, 2019

Alan Peters
Skamania County Planning Department
Skamania County Courthouse Annex
Stevenson, WA

via email: apeters@co.skamania.wa.us

Re: Underwood zoning update

Dear Mr. Peters:

Whistling Ridge Energy LLC is a subsidiary of SDS Co. LLC (SDS Co.) a large landowner in Skamania County. SDS Co. owns land in the Underwood vicinity, in the County's Unmapped Zone designation, and designated in the County's Comprehensive Plan as Conservancy.

Broughton Lumber Company (Broughton) is a large landowner in Skamania County. Broughton owns land in the Underwood vicinity, in the County's Unmapped Zone designation, and designated in the County's Comprehensive Plan as Conservancy and is a participant in the Whistling Ridge wind energy project.

We understand the County is considering updating land use zoning designations the County, including portions of Underwood Mountain owned by Broughton and SDS Co. We also understand the County's Planning Commission has previously given strong consideration to landowner input on whether to change zoning designations.

SDS Co. and Broughton have invested considerable time, energy and resources into permitting of the Whistling Ridge wind energy project. The project's history is summarized in the attached timeline document. Landowners SDS Co. and Broughton request that the Planning Commission leave their properties in the Underwood area in the Unmapped Zone designation and not, in any way, change the zoning designation of these properties. For a project like the Whistling Ridge wind energy project, stability in zoning is essential, and a change could have unintended negative impacts on the effort to bring the Whistling Ridge wind energy project to commercial operation.

Jason S. Spadaro
President
SDS Lumber Company

Whistling Ridge Energy Project History

- 3/10/09 Application for Site Certification filed; history of adjudication can be found on EFSEC's Project web page.
- 1/5/12 EFSEC's Site Certificate Agreement and Recommendation submitted to Governor Gregoire.
- 3/5/12 Governor Gregoire approves the Final Order and signs the Site Certificate Agreement.
- 8/20/13 After appeal by project opponents, the Washington Supreme Court issues a unanimous decision denying appeal.
- 11/18/13 Jason Spadaro, Whistling Ridge Energy, signs the Site Certificate Agreement ("Effective Date" of Site Certificate Agreement)
- 2013-15 During this period, BPA worked on the FEIS and its Supplement to the FEIS, addressing further comments submitted post-FEIS by project opponents.
- 9/9/15 Project opponents file an appeal with the US 9th Circuit Court of Appeals, challenging BPA's NEPA FEIS, supporting BPA's decision to grant the Whistling Ridge Energy Project an interconnection to the Federal Columbia River Transmission System.
- 3/27/18 The 9th Circuit Court of Appeals issues a Memorandum Decision denying the appeal.
- 7/11/18 Following a petition by project opponents for a rehearing (*en banc*), the full US 9th Circuit Court of Appeals denied rehearing. This denial concluded all opposition litigation.



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

April 2, 2019

Sent via Email

Skamania County Planning Commission
c/o Community Development Department
P.O. Box 1009
Stevenson, WA 98648
Email: planningcommission@co.skamania.wa.us
Cc: Alan Peters, Assistant Planning Director apeters@co.skamania.wa.us

Re: ZONING OF "UNMAPPED LANDS" IN EASTERN SKAMANIA COUNTY

Dear Commissioners,

The Yakama Nation Department of Natural Resources ("YN DNR") appreciates the opportunity to provide comments¹ on Skamania County's (the "County") plans to zone previously un-zoned ("unmapped") lands near the White Salmon River in eastern Skamania County. YN DNR encourages planners to designate zoning for parcels that are currently unmapped to ensure consistency and fairness of process, and that development is consistent with and appropriate for the area. YN DNR understands that the Planning Commission's recommendations are preliminary and that a SEPA process will follow once the Commission has gathered information and input from the community and makes a recommendation to the Board of County Commissioners about rezoning of these parcels.

Yakama Nation's traditional territory encompasses the White Salmon River Basin, and the Yakama People still have strong connections and interests in this region, including Treaty-reserved rights to hunt and fish in all "usual and accustomed" places. Yakama Nation is also a co-manager with the Washington Department of Fish & Wildlife ("WDFW") of the fisheries on the White Salmon River, which has been recovering since the removal of Condit Dam in 2011-2012. The White Salmon River has federal designation as a Wild and Scenic river. The White Salmon River is both habitat and a migration route for several types of salmon, steelhead and migratory resident/anadromous fish, such

¹ The Yakama Nation is a sovereign, federally recognized tribal government, and should not be obligated to provide "public comments" with respect to actions that impact, or could potentially impact, its sovereign rights. However, this matter is of critical importance to the Yakama Nation. Any comments provided here do not waive, alter, or otherwise diminish the sovereign rights of the Yakama Nation, or its rights as a co-manager of the fisheries of the State of Washington.

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as Pacific and Brook Lamprey, Bull Trout and Cutthroat Trout. A significant investment has been and continues to be made to remove passage barriers to and improve the habitat for Endangered Species Act-listed salmon and steelhead native to the White Salmon River. Since dam removal, fishery agencies have documented the recolonization of these fish into habitats in the basin, including areas that currently include (or would be affected by development on) unmapped lands, such as along Mill Creek and the mainstem White Salmon.

The White Salmon River and portions of Mill Creek are considered critical habitat for ESA “threatened” Bull Trout, and this area is within the Bull Trout overlay.² YN DNR biologists have documented steelhead spawning in Mill Creek, and spawning surveys on the mainstem White Salmon have consistently found spawning by Fall Chinook Salmon in some of the reaches adjacent to some of the unmapped parcels. Development on lands in the White Salmon watershed, and along the river and its tributary watersheds has the potential to impact treaty-reserved resources. According to WDFW’s Priority Habitats and Species map, some of the parcels in question also contain habitat for Northern Spotted Owl and Western Pond Turtle.³

YN DNR encourages the zoning of currently unmapped parcels to provide consistency of process, fairness, and, in accordance with one of the goals of the Land Use Element of the Comprehensive Plan, to “provide for orderly future physical development of Skamania County.”⁴ Piecemeal development may result in an erosion of habitat function and quality that impacts Yakama Nation resources and the greater community values. Without zoning, it is functionally unlikely to be able to anticipate potential significant adverse cumulative impacts from increased development of a variety of types. Zoning provides a framework for environmental review by the County that can consider the probable impacts that increased development would have on local fisheries, and the Yakama Nation’s associated rights and interests. YN DNR encourages the County to provide the highest level of protection available for areas that contain (or are adjacent to) riparian corridors, steep and/or erodible slopes, seeps, springs, wetlands or other sensitive and unique features, and critical fish and wildlife habitat areas. In addition, the area being contemplated contains traditional cultural properties (and a high likelihood of archaeological resources) that warrant protection through a reasoned, predictable and equitable development review process.

The Growth Management Act requires the designation and conservation of agricultural, mineral and forest resource lands of long-term commercial significance, as well as critical areas.⁵ Leaving forest resource lands un-zoned appears to be inconsistent with these requirements. With any decision the County makes on how or whether to zone these parcels, it will need to take into consideration the potential for establishing a negative precedent for future actions in the area with potentially significant effects, involving unique and unknown risks to the environment, by not zoning these lands.

² https://ecos.fws.gov/docs/federal_register/fr3264.pdf.

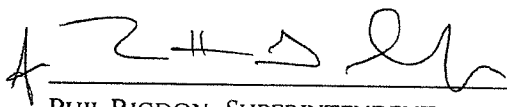
³ <http://apps.wdfw.wa.gov/phsontheweb/>.

⁴ Skamania County Comprehensive Plan, Goal LU.2, June 2007, Final Adopted.

⁵ RCW 36.70a.060.

YN DNR appreciates the Planning Commission soliciting input from landowners and stakeholders on this important issue and encourages the County planners “to provide for orderly future physical development of the entire county in a way that is suited to the unique natural qualities of Skamania County and to preserve and enhance the quality of life” (Skamania County Comprehensive Plan). Please contact YN DNR’s Jeanette Burkhardt at jeanette@ykfp.org with any questions regarding these comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Phil Rigdon", written over a horizontal line.

PHIL RIGDON, SUPERINTENDENT

YAKAMA NATION DEPARTMENT OF NATURAL RESOURCES

REGISTRY
SNOHOMISH COUNTY

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From: Darla Johnston <rdjohnston@gorge.net>
Sent: Tuesday, April 2, 2019 3:15 PM
To: Alan Peters <apeters@co.skamania.wa.us>
Subject: Re: Underwood Area Zoning Review - Planning Commission Public Workshop #4-for tonight's meeting

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alan,

I would like to make a comment for tonight's meeting for the Planning Commission to take into consideration. If some of the property is going to remain unzoned in Underwood, I would like to suggest that Jack Kapp be allowed to leave his land unzoned if that is his choice at this time. He has quite a bit of land that was handed down thorough his family for several generations.

I would also like to suggest that property owners that would like their zoning to become smaller be granted their requests. As we all know Underwood does not have the potential to become over populated because of the mountain's terrain where we live.

Sorry I cannot be there this evening but the Underwood Community Council is hosting an activity tonight for our Community that has been planned for over a month.

Thank you for you and the Board for addressing the second part of the Gorge Commission's directive.

Darla Johnston

From: Alan Peters <apeters@co.skamania.wa.us>
Date: Wednesday, March 27, 2019 at 1:32 PM
To: Alan Peters <apeters@co.skamania.wa.us>
Subject: Underwood Area Zoning Review - Planning Commission Public Workshop #4