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SKAMANIA COUNTY  
JAN 15 2009

BEFORE THE HEARING EXAMINER  
FOR SKAMANIA COUNTY

COMMUNITY DEVELOPMENT  
DEPARTMENT

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4 In the Matter of the Appeal of ) County File No. SEP-08-35  
5 )  
6 **Friends of the Columbia Gorge, Inc.; Save** ) REPLY BRIEF OF APPELLANTS  
7 **Our Scenic Area; Gifford Pinchot Task** ) FRIENDS OF THE COLUMBIA  
8 **Force; and Columbia Riverkeeper** ) GORGE, INC.; GIFFORD PINCHOT  
9 of a SEPA Determination of Nonsignificance. ) TASK FORCE; AND COLUMBIA  
RIVERKEEPER

10 This Reply Brief is filed on behalf of Appellants Friends of the Columbia Gorge, Inc.  
11 (“Friends”); Gifford Pinchot Task Force (“GP Task Force”); and Columbia Riverkeeper  
12 (“CRK”). In its Response Brief, the County completely ignores most of Appellants’ arguments  
13 and authorities. The County does make several arguments pertaining to alternative energy  
14 development, and wind energy facilities in particular.  
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16 As will be shown below, the County’s arguments are without merit. The County’s  
17 Determination of Non-Significance (“DNS”) should be reversed and remanded with directions to  
18 prepare an environmental impact statement (“EIS”), as required by SEPA and its implementing  
19 rules.  
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22 **I. ARGUMENT**

23 **1. An EIS is required if development that is likely to result in significant**  
24 **environmental impacts is made probable by the non-project proposal under review.**

25 Under the controlling precedent of the Washington Supreme Court, an EIS is required if  
26 development that is likely to result in significant environmental impacts is made probable by the  
27 non-project proposal under review. *King County v. Boundary Review Board*, 122 Wn. 2d 648,  
28

29 APPELLANTS’ PRE-HEARING  
REPLY BRIEF - 1

County File No. SEP 08-35

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1 The County maintains that its proposal would affect only 13 percent of the land within  
2 Skamania County. County Brief at 1. This is simply not accurate. In truth, the proposal would  
3 affect virtually the entire County.

4 In terms of zoning changes (*i.e.*, changes to the maps), the County has not made available  
5 exact numbers for the acreages that would be modified. *See* AR at 56–57 (providing acreages for  
6 *proposed* zoning classifications, but not for *current* zoning classifications). Nevertheless, one  
7 thing is clear: the County proposes to create a completely new zone called Commercial Resource  
8 Lands (CRL40), in which a variety of large-scale uses, including large-scale energy facilities,  
9 would be newly authorized. According to the County’s own numbers, the new Commercial  
10 Resource zone would cover a total of 850,360 acres (including land within the West End and  
11 Swift Subareas). AR at 56–57. In addition, the County proposes to authorize large-scale energy  
12 facilities in all Industrial and Forest zones,<sup>12</sup> which cover another 28,599 acres! AR at 56–57.  
13 Thus, the County is proposing to authorize large-scale energy facilities on 878,959 acres of land,  
14 which is approximately 81.9% of the County’s total land base,<sup>13</sup> and approximately 88.5% of the  
15 County’s non-Scenic Area lands.<sup>14</sup>

16 The figures in the preceding paragraph do not even reflect all of the zoning changes  
17 proposed by the County—they only involve the lands where large-scale energy facilities would  
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<sup>12</sup> Draft SCC §§ 21.52.040, 21.56.040.

24 <sup>13</sup> This percentage assumes that the figure of 1,073,370 acres for the total County acreage,  
25 provided on page 1 of the County’s Brief, is accurate.

26 <sup>14</sup> For purposes of this Brief, “non-Scenic Area lands” refers to all lands where land use and  
27 development activities are not regulated directly under the Scenic Area rules. This includes all lands  
28 outside the National Scenic Area, plus all lands within the designated urban areas of the National Scenic  
29 Area. Also for purposes of this Brief, “Scenic Area lands” refers to lands regulated directly under the  
Scenic Area rules. Skamania County contains approximately 993,570 acres of non-Scenic Area lands and  
approximately 79,800 acres of Scenic Area lands.