



COMMUNITY DEVELOPMENT

2705 E 2nd St • The Dalles, OR 97058
p: [541] 506-2560 • wcplanning@co.wasco.or.us • www.co.wasco.or.us

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July 13, 2026

Columbia River Gorge Commission
PO Box #730
White Salmon, WA 98672
(Sent by email to PublicComment@gorgecommission.org)

Dear Chair Miller, Vice Chair Meninick, and Commissioners and CRGC Staff;

Thank you for the opportunity to provide comment. I am writing related to items covered under the “Rulemaking Hearing” on the July 14, 2026 agenda that is starred for public comment. Wasco County recognizes the need to clarify language in the National Scenic Area Act specific to administrative procedure is long overdue. The lack of clarity on this issue reduces accessibility, transparency, and consistency with all the work the Columbia River Gorge Commission (CRGC) does. We appreciate the consideration of the subcommittee, and the analysis that demonstrates on the whole the case law has found CRGC’s authority is a function of Washington and Oregon.

The report recognizes the validity of state law, and attempts to divine intent of more restrictive. Generally, the logic and principles used are sound and likely to result in the greatest public benefit. However, the rationale is made opaque by the added statement that the Commission may need to deviate from transparency to create a cohesive administrative rule. Cohesiveness is not an express exception in 16 U.S.C. § 544c(b). This is why there may be some value in spending more time evaluating each subject listed in 16 U.S.C. § 544c(b) to provide, in advance, a determination of which state provision is more restrictive.

It is also likely that state law may change, requiring new analysis to be completed. I would encourage the Commission to consider a schedule for periodic review of rules and what constitutes the most restrictive according to state law. This will ensure consistency with the Act.

Finally, we would add that the Department of Justice (DOJ) in both states represents CRGC as legal counsel, as was made clear when Wasco County requested the waiving of privilege to review correspondence between CRGC and the DOJ’s on this matter. As such, their opinion should be framed as legal advice rather than supporting evidence on the determination of CRGC’s authority or relationship to state law.

Thank you,

Kelly Howsley Glover, PhD
Wasco County Community Development Managing Director