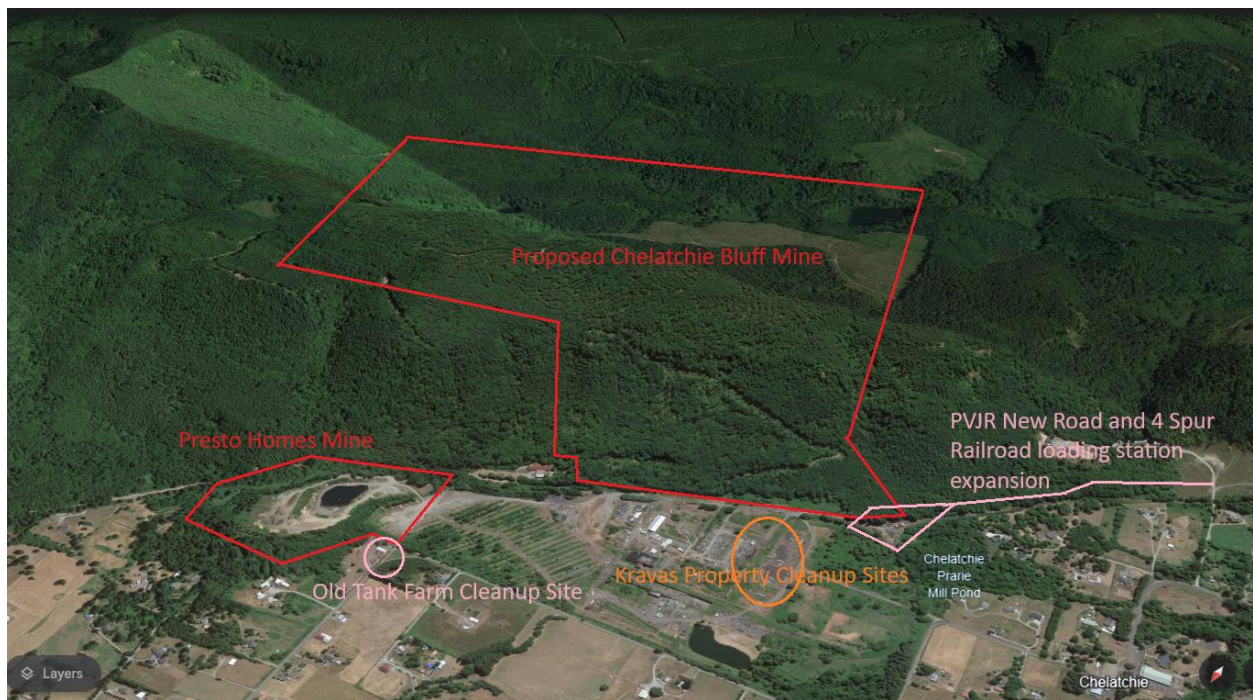


Chelatchie Bluff Mine and Surrounding Industrial Plan



Turning paradise into an industrial dust bowl while destroying the water supply for Clark County, impacting endangered species, and destroying a community.

Consolidation report by John E. Nanney

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Purpose Statement

This document is a synthesis of current knowledge, exhaustive analysis, and facts surrounding the larger Chelatchie Bluff question. It should be considered a starting point for further research on many topics. As Ronald Reagan said, "Trust but verify." So many in our world are lemmings, following the rhetoric of talking heads, politicians, and other sources without diving in and verifying the facts. In some cases, this is hard to do, in the case of environmental study, Geology, Hydrology, and many others required for the understanding of Chelatchie Bluff, the solid and unbiased science is there. Science that is not paid for by corporations, but science that is paid for through work completed by the Washington Department of Ecology, Washington State Fish and Wildlife, the National Marine Fisheries Service, and the US Army Corps of Engineers and other agencies.

Join me here in this overview document.

Quick History

The Chelatchie Prairie and surrounding land have been the focus of overuse in the past 150 years with logging being the prominent industry. Between 1960 and the late 1970s this abuse of the land became an increasing concern. The environmental impacts of logging, including deforestation, water pollution,

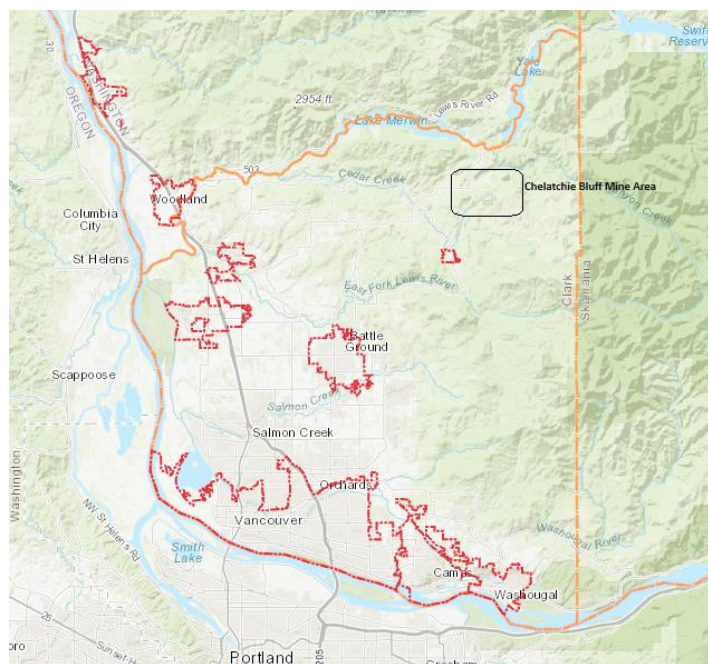


Figure 1 Chelatchie Bluff location within Clark County

and habitat loss were so immense the American people knew changes needed to be accomplished. Laws were needed to force proper management of our land. One of the most significant developments of this period was the passage of the ***Wilderness Act in 1964***¹. This act designated millions of acres of federal land as wilderness, which provided permanent protection from logging and other forms of development. Several wilderness areas were designated in Southwest Washington, including the Mount St. Helens National Volcanic Monument and the Columbia River Gorge National Scenic Area². Which incorporates the entire Chelatchie Prairie into its envelope of influence.

Chelatchie Bluff is at the eastern end of Chelatchie Creek and is a main recharge for

Cedar Creek, which is a main tributary fed by thousands of smaller tributaries that feed the Lewis River, which feeds the Columbia River³. These tributaries are critical to federally designated protected species such as the Bull Trout, Washington Coho, and others⁴.

¹ <https://www.nps.gov/subjects/wilderness/law-and-policy.htm#>

² Chelatchie Bluff Mine and surrounding areas are part of the Mount St. Helens National Volcanic Monument administrative boundaries.

³ https://www.pacificorp.com/content/dam/pcorp/documents/en/pacificorp/recreation/lewis-river/Lewis_River_Trout_Regulations_Brochure.pdf

⁴ <https://wdfw.wa.gov/species-habitats/at-risk/phs>

Correcting the Results of the Past

Millions have been spent by taxpayers to rejuvenate and recover from the abuse caused by unregulated industries during the twentieth century. Logging, railroad, and trucking damaged thousands of acres of wilderness and the associated ecology in this area⁵.

Additional regulations that directly impacted the cleanup and restoration effort included the ***Clean Water Act***, the ***Endangered Species Act***, and the ***Washington Forest Practices Act***. These are critical steps in the long-term recovery and maintenance of our lands so that our grandchildren and beyond can enjoy the same beauty that we currently enjoy.

The Clean Water Act⁶ established standards for water quality and prohibited the discharge of pollutants into waterways without a permit. This act had a significant impact on industries that generate runoff that pollutes streams and rivers.

The Endangered Species Act⁷ protects threatened and endangered species and their habitats. This act has also had an impact on industries that can destroy habitat for endangered species, which includes Coho and Steelhead that spawn in Chelatchie Creek.

The Washington Forest Practices Act⁸ is a comprehensive set of regulations that govern logging activities on state and private lands. These regulations were designed to protect water quality, fish and wildlife habitat, and other environmental resources.

With this authority, federal and state agencies could begin inspection and enforcement to ensure our lands were restored, our water protected, and our environment preserved for generations to come. During these efforts, the Washington Department of Ecology documented and designated three cleanup sites within the Chelatchie Bluff area. These sites are identified as follows.

The Old Tank Farm is located on Parcel 281174000 as shown on the Washington Department of Ecology website as CSID: 2909, FSID: 30204⁹. These reports show suspected soil and groundwater contamination of Halogenated Organics - Polychlorinated biPhenyls (PCB), and confirmed soil contamination of Non-Halogenated Organics - Petroleum Products-Unspecified with suspected groundwater contamination of Non-Halogenated Organics - Petroleum Products-Unspecified. These areas remain unclean, and unregulated, and threaten our water.

Kravas Properties LLC, parcel 274352000 which is identified on the Department of Ecology website as CSID: 3264, FSID: 1031¹⁰. This report indicates suspected contamination of soil with Halogenated Organics - Polychlorinated biPhenyls (PCB), Non-Halogenated Organics - Petroleum Products-Unspecified, and Non-Halogenated Organics - Phenolic Compounds. In addition, DOE confirmed surface

⁵ Another important development was the passage of the Forest and Rangeland Renewable Resources Planning Act (RPA) in 1974. This act required the U.S. Forest Service to develop comprehensive plans for managing national forests, including a focus on multiple uses and sustained yield. The RPA also required the Forest Service to consider the environmental impacts of its management activities.

⁶ <https://www.epa.gov/laws-regulations/summary-clean-water-act#>

⁷ <https://www.fisheries.noaa.gov/national/endangered-species-conservation/endangered-species-act#>

⁸ <https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board/rules-and-guidelines/forest-practices-rules>

⁹ <https://apps.ecology.wa.gov/cleanupsearch/site/2909>

¹⁰ <https://apps.ecology.wa.gov/cleanupsearch/site/3264>

water contamination of Non-Halogenated Organics - Polycyclic Aromatic Hydrocarbons. Parcel 274403000 is identified on the Department of Ecology website as CSID: 3021, FSID: 1032¹¹, with confirmed contamination of soil with Halogenated Organics - Polychlorinated biPhenyls (PCB), and suspected contamination of Non-Halogenated Organics - Petroleum Products-Unspecified and Non-Halogenated Organics - Phenolic Compounds and suspected contamination of surface water with Non-Halogenated Organics - Polycyclic Aromatic Hydrocarbons. Again, these areas remain unclean, and unregulated, threatening our water.

Chelatchie Prairie Mines

On May 12th, 2023, the DOE made a complaint to Clark Count Enforcement (CCE) about unpermitted mining operations on parcels owned by an out-of-state company Presto Homes Inc.¹² Yet this complaint from a State Agency was ignored for two months by CCE before they finally issued a stop work. On July 24th, 2023, that letter was sent to Presto Homes for the illegal activity¹³. This is especially concerning because Presto Homes has now applied for a mining permit, that would be under the CCE oversight, a department that has proven a lax concern for our environment. This is not the case for the average citizen of the county, try building a barn without a permit and see how long that goes without notice and threat of a fine from the CCE. Yet Industry gets a free pass, a free pass to operate even with the threat of harm to all of us. The main point is the CCE is chronically negligent, with very few rules enforced on corporations operating under Conditional Use Permits (CUP).

Presto Homes plans to mine a 34.72-acre area made up of four separate parcels with an existing Heavy Industrial Surface Mining Overlay. Further, based on recent approvals made by Clark County Council, we can be sure they are poised to approve that work with very little concern for following either State Environmental Protection Studies (SEPA)¹⁴ or Federal Environmental Protection Act (EPA)¹⁵ requirements.

Chelatchie Bluff Mine

This brings us to the elephant in the room, Chelatchie Bluff Mine (CBM)¹⁶. A 375-acre area that spreads over Chelatchie Creek and Boody Creek and many tributaries. Chelatchie and Boody Creeks feed Cedar Creek, a major tributary to Lewis River and a major headwater for the Upper Troutdale Aquifer and the Orchards Aquifer (Upper and Lower).

¹¹ <https://apps.ecology.wa.gov/cleanupsearch/site/3021>

¹² Presto Homes Inc 15410 SE 94TH AVE CLACKAMAS OR, 97015. Parcels 281149000 [10.42 acres], 281142000 [4.02 acres], 281131000 [18.54 acres], 281157000 [1.74 acres].

¹³ Records show that it has been cited multiple times for violation in 2014, 2015, and 2016, with the records currently being requested through their online FOIA services.

¹⁴ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review>

¹⁵ <https://www.epa.gov/laws-regulations/regulations>

¹⁶ <https://clark.wa.gov/community-planning/cpz2021-00006>

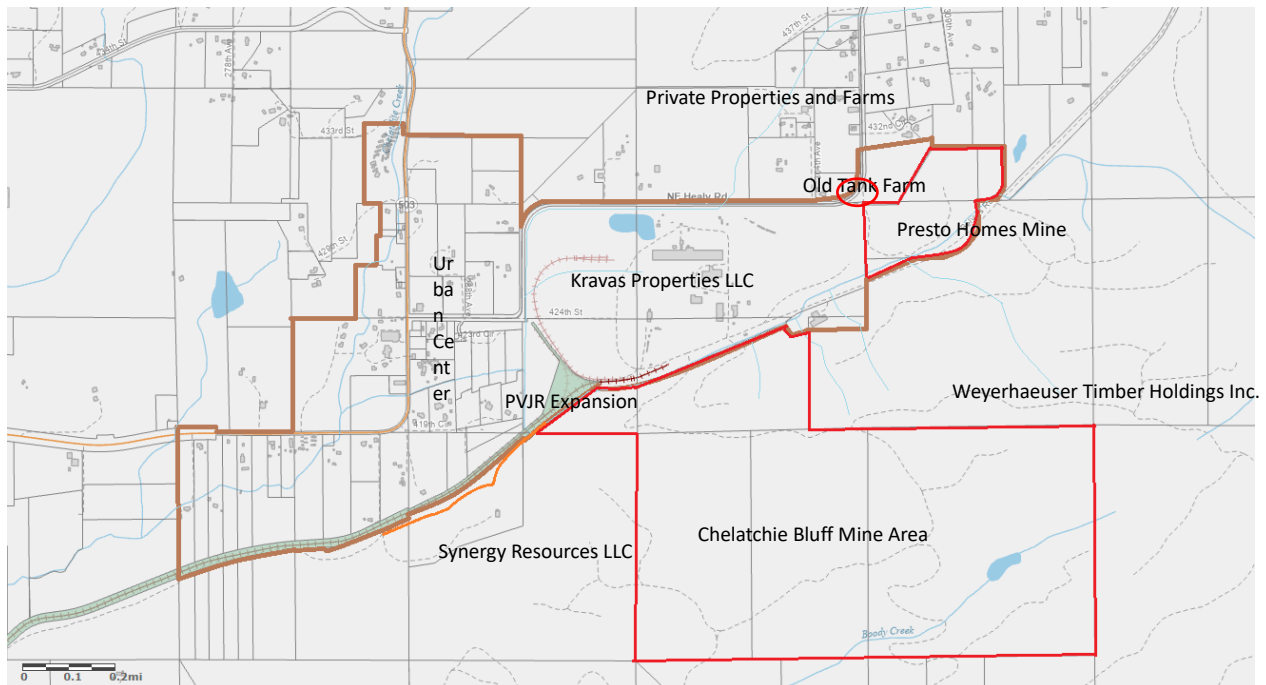


Figure 2 Area Overview Map

Interesting point of note, Cedar Creek enters the Lewis River directly adjacent to the Lewis River Fish Hatchery operated by the Washington Department of Fish and Wildlife.

The Department of Fish and Wildlife issued a letter¹⁷, Mr. Holowatz describes the habitat fragmentation that already exists in this area. Specifically, he states,

“The headwaters of Chelatchie and Cedar Creek are documented to have large areas of unstable slopes and allowing mining activities such as blasting, road construction, and deforestation would dramatically increase the potential of siltation downstream resulting in suffocation of juveniles, and redds. Both Cedar Creek and Chelatchie Creek streams have listed threatened chinook, coho and winter steelhead protected under the Endangered Species Act (ESA). They have been documented through adult and juvenile monitoring by WDFW as having spawning populations throughout the watershed and therefore must be protected. Juvenile monitoring studies of Cedar Creek have shown that this stream has the highest densities and abundance of natural origin coho in Southwest Washington in addition to significant returns of natural origin adults. This project poses a risk not only to Cedar Creek salmonids, but to recovery of ESA listed salmonids throughout the Lewis basin and the Lower Columbia.”

Furthermore, Mr. Holowatz says,

“Based on our new Riparian Management Recommendations, our suggested riparian setback for this site would be 215 feet based on the Site Potential Tree Height of 200 years (SPTH200) on all streams located within the site. WDFW no longer has a set buffer width for fish and non-fish bearing streams, and instead bases it on the Site Potential Tree Height of 200 years (SPTH200) to ensure the riparian ecosystem has the greatest functionality. These ecological

¹⁷ State of Washington Department of Fish and Wildlife, Southwest Region 5, 5525 South 11th St Ridgefield, WA 98642. Dated April 25, 2023, from Isaac Holowatz, Habitat Biologist, to Clark County Community Planning PO Box 9810 Vancouver WA 98666-9810 Attention Jose Alvarez.

functions outlined in Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (Quinn et al. 2020) include, but are not limited to: stream morphology, erosion and sedimentation process, fish and wildlife habitat availability, wood recruitment, stream temperature, shading, pollutant removal, and nutrient cycling.”

Chelatchie Bluff Mine will be operated by Granite Construction a *Watsonville California-headquartered company*¹⁸, which has no less than **eight** environmental-related offenses, among other unholy business practices¹⁹ as of the date of this document. Leaving us *no doubt* as to how well they plan to move onto the property that is the headwater of the Troutdale Aquifer System, a Sole Source Aquifer²⁰. Keep in mind the magnitude of water used in gravel mining²¹, the massive disturbance to the unstable geology of the area, coupled with the knowledge that every local citizen, farm, and ranch depends on well water. Many of these are wells that are less than 50’ deep²² and permitted by the county.

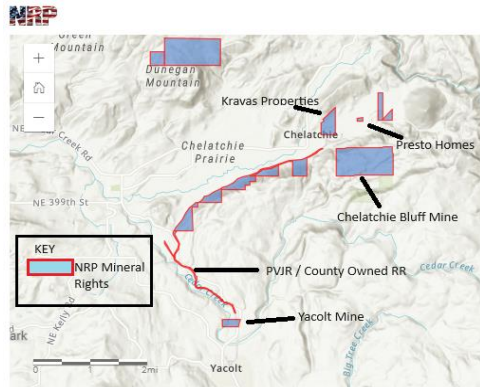


Figure 3 BRP LLC Mineral Rights

BRP LLC Mineral Rights and the Big Picture

Research into BRP LLC a company that shows up on many documents filed with our county regarding the Chelatchie Bluff Mine, reveals the Mineral Rights for this area, including

Chelatchie Bluff Mine, is owned by their subsidiary NRP. Looking at their website²³ this international corporation has a large foothold in Chelatchie Prairie (and across Washinton state, and the nation), raising questions as to an ever-expanding growth of mineral mining and destruction of our environment once a foothold is gained.

Interestingly much of the mining that remains available in Figure 3 is right along the County Railroad line, a line that PVJR is now working to expand the envelope on each side of the track through zoning changes [See the Railroad discussion below]. This strongly suggested the collateral opportunity to this land grab by PVJR. Mr. Temple has already bragged about eminent domain authority to take from unsuspecting, Clark County residents. Is this yet another sneak attack by this disingenuous operation? This is only an assumption and not a direct accusation. I only present what would appear to be a possibility. No evidence other than the actions we have watched in the local area to guide this thought process. For example, direct statements from Mr. Temple that he would exercise eminent domain as he did with the Warnke property²⁴. However, in this case, the landowner agreed to the grab and in doing so avoided any litigation that by law would have had to occur.

¹⁸ <https://www.graniteconstruction.com/>

¹⁹ <https://violationtracker.goodjobsfirst.org/parent/granite-construction>

²⁰ Federal Register/Vol. 71, No. 172/Wednesday, September 6, 2006, page 52541, ENVIRONMENTAL PROTECTION AGENCY [FRL-8217-2], Sole Source Aquifer Designation of the Troutdale Aquifer System; Clark County, WA. AGENCY: Environmental Protection Agency. ACTION: Notice of Final Determination.

²¹ "Hydraulic Impacts of Quarries and Gravel Pits" by the Minnesota Department of Natural Resources: https://www.dnr.state.mn.us/lands_minerals/index.html, & "Water Use in Sand and Gravel Mining Operations in the United States" by the U.S. Geological Survey (USGS): <https://www.usgs.gov/>

²² Many cases have been won brought by citizens whose well water/groundwater was contaminated with settlements ranging in the hundreds of thousands of dollars. <https://cfpub.epa.gov/enforcement/cases/>

²³ <https://nrplp.com/business/#mineralRights>

²⁴ Infamous Richardson Letter dated February 16, 2023, from Eric Temple President, Portland Junction Railroad [Public Record available on request].

Granite Constructions Planes

According to their own submitted plans²⁵,

"An initial, conservative proposed quarry outline is shown in Figure [4]. The preliminary quarry design has 45-degree overall slopes (1:1) down to a final floor elevation of 600 feet AMSL. This design yields an estimated bulk cut volume of 112 million cubic yards. Of the 112 million cubic yards, approximately 8,000,000 cubic yards is anticipated to be overburden. This equates to a stripping ratio of 0.07:1 assuming 100% of the overburden is waste. These volumes are gross. The mineable and saleable rock is anticipated to have a 5% - 10% waste factor. This considers fracture density and minimal breakdown from blasting and processing. The volumes represented herein are to be categorized as indicated mineral resources by definition and are subject to change with future data acquisition. Preliminary indications can presume approximately 200 million tons of an extractable resource is present based on limited interpreted geology, subsurface information, and outcrop investigation." [Emphasis added, and figure # changed to match this paper]

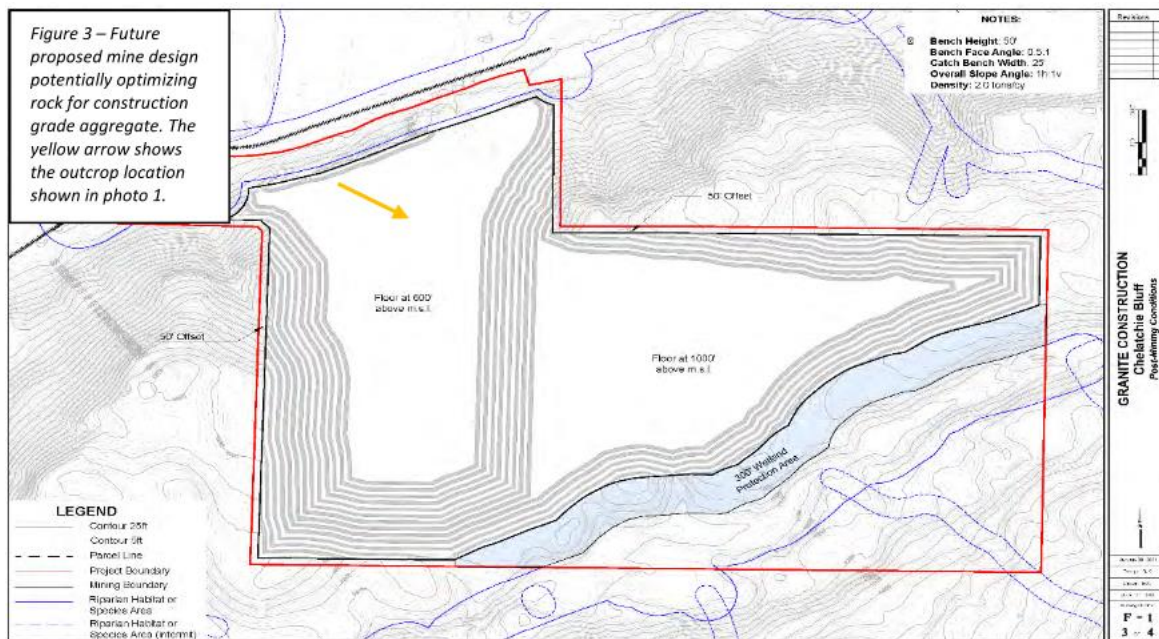


Figure 4 Chelatchie Bluff Mine Planned use per Application

Conservative estimates that 112 million cubic yards of material will be removed from the area. 8 million cubic yards as overburden and 104 million cubic yards of product. This means we can expect (based on simple math) 5.2 million cubic yards per year over 20 years. Or about 19,000 tons a day.

These are their conservative estimates, which means, it could be deeper, it could be much larger, and the environmentally dangerous overburden much more extensive. It is also interesting to note how the creeks, runoff, and existing wetlands are conveniently downplayed on their map. I would suspect they will need large pumps to keep the hole they dig dry and workable. Where will that go? We have a 12 to 18-inch water table, anyone in Chelatchie who has gardened knows this. Yet they want to dig a 600-foot-deep hole in wetlands. Check my math.

²⁵ March 15, 2022 10 AM County Council hearing, Supporting Docs, <https://clark.wa.gov/community-planning/cpz2021-00006>

The Fish

With over 25 years of *detailed professional/technical stream & watershed analysis & hydrologic/fisheries project teamwork on Cedar Creek and Chelatchie Creek (both North & South) tributaries* Richard Dyrland, Retired Federal Regional Hydrologist and Federal Policy and programs Analyst provided his insights. I had asked him about the impact of the Chelatchie Bluff Mine and here are excerpts of what he said²⁶.

"... our team, which includes a retired very experienced fisheries biologist, a fluvial-geomorphic geologist, and myself (Regional Hydrologist-Western Federal Regions), discovered that a large proportion of the salmon and steelhead spawning and production of fry and juveniles came from spawning in tributaries high up in the sub-watersheds. These fish would migrate down to [the] lower Chelatchie mainstem and on into Cedar Creek later in the year or in some tributaries, stay in deep pools till the fall winter rains came and allowed them to migrate out into Cedar Creek, on to the North Fork below the dams, and out to the Columbia (Note that a study done by Bonneville Power recognizes this important process in the Columbia River Basin). Also note that Fish First over the last 25 years, has implemented extensive fish habitat restoration and support in Cedar Creek and in Chelatchie Creek stream system."

He then discussed how the WA DFW ran an intensive survey to understand this cycle in high-elevation tributaries in Clark County validating this information.

"...[A] Wild Fish Rescue Team was going up high in Mason Creeks tributaries and rescuing between 3000 to 7000 steelhead and salmon fry/juveniles from pools that were drying up. The results of the summer study by the WD FW team indicated that between 25,000 to as many as 35,000 fry were produced in Mason Creek each year, even though the lower half and some of the upper reaches went dry later in the summer."

This is in line with what we see on tributaries along the Chelatchie and Cedar Creeks and is backed by this research. He goes on to say,

"I personally over time have observed salmon & steelhead fry at higher elevations in both the north and south branches of Chelatchie Creek. An example of this is high up in the small tributary of North Chelatchie Creek near Protzman Road, where fry hold up in small deep pools till the fall rains come. In addition, there are WA DFW maps showing the location of active fisheries production in the Chelatchie Creek tributary system."

Unsurprisingly, this is what we found on the Collins property. Something that the heavy industry and their bought politicians are denying. Yet here a boots-on-the-ground expert is backing up what was witnessed by dozens of people, including representatives from the Departments of Ecology, Fish and Wildlife, and the US Army Corps of Engineers.

"...as pointed out in the USGS Watershed Report on the Cedar Creek Watershed [] most of the water (surface & subsurface) comes year around from upper 1/4th of the watershed due to the unusual geology. I personally have observed this and seen the network of both north and south drainage ditches in the old Plywood Mill area and near the railroad terminal observed running water into the Chelatchie Creek System. A similar situation exists to the south on the other side

²⁶ Extracts from an email from Richard Dyrland, Retired Federal Regional Hydrologist and Federal Policy and Programs Analyst to John E. Nanney dated Nov 1, 2023. [Available on request with confidential information redacted].

of the ridge in the Chelatchie Creek and Boody Creek tributary, which is associated with the proposed mining rezone/expansion area. And again, official WA FDW fish survey maps show these tributaries active for salmon and steelhead production.”

His conclusion is on point with those of us who live in this area and know the land.

“My point is that disturbing these areas would have a high risk of causing a severe irreversible impact on key production of Threatened & Endangered species of salmonids as well as a risk of water pollution (possibly Clean Water Act related) and diminishing of surface and groundwater supply to the downstream residents in the Cedar Creek main stem.”

“The positive results of several years of restoration efforts in the Cedar Creek Watershed are reflected in the three WA WDF&W Fisheries Species Presence Maps (Chinook, Coho, and Steelhead) on Cedar Creek & it’s tributary stream, Chelatchie Creek. All three are on the Federal Threatened & Endangered list.”

The Troutdale Aquifer System

One cannot discuss the fish, without asking the larger question... what about our water supply as a whole? Troutdale Aquifer System receives much of its recharging from the Chelatchie Prairie which is designated a Critical Aquifer Recharging Area. It is a primary source of drinking water for much of Clark County as it directly interconnects with the Orchard Aquifer (Upper and Lower)²⁷. This means that actions taken within the Chelatchie Bluff area that affect ground and surface water have the potential risk of impacting the greater Clark County clean water supply which is used for many private and civic wells for hundreds of thousands of families. The impact on the natural flow of tributaries can be seen in Figure 4 below taken from the Department of Ecology Water Quality Atlas²⁸.

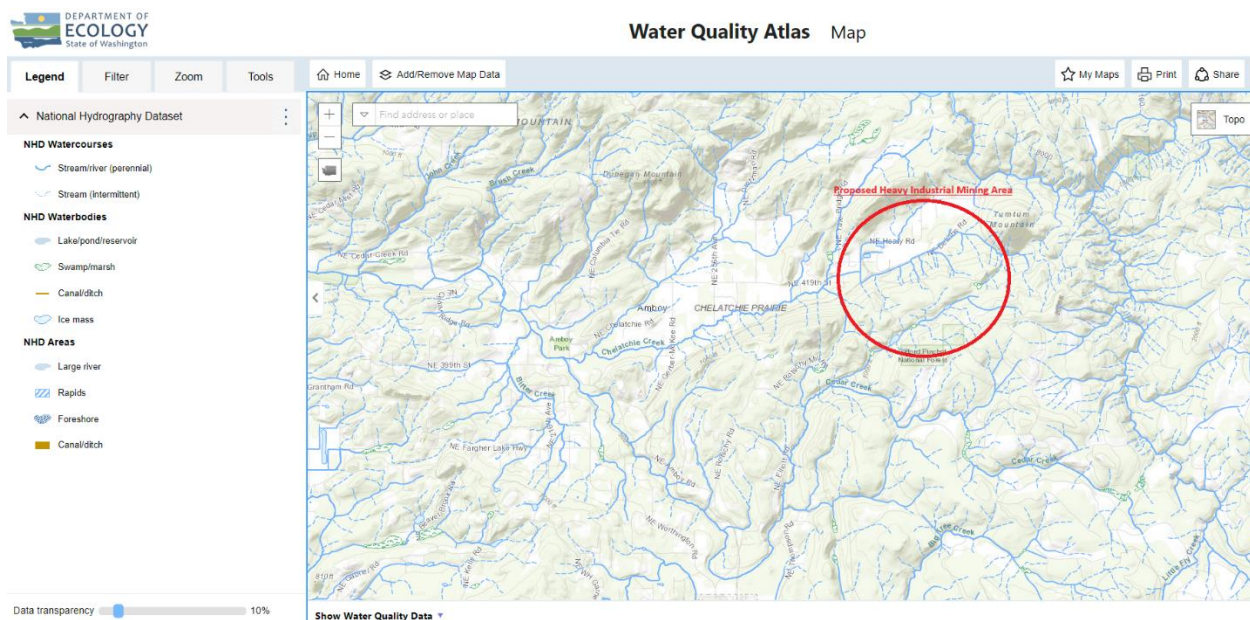


Figure 5 Clark County Tributaries, Creeks, and Wetland

²⁷ <https://www.cityofvancouver.us/government/departments/public-works/drinking-water/drinking-water-source/>

²⁸ <https://apps.ecology.wa.gov/waterqualityatlas/wqa/map>

Many protected species of fish depend on the clean free flow of Chelatchie, Boody, and Cedar Creeks. These creeks depend on the thousands of small natural springs and hillside seepage areas to sustain them. Figure 5 shows both Chelatchie and Boody creeks emerge from the areas of the proposed high industrial / mining area. This area is also noted for unstable slopes and geographically hazardous areas designated geological critical areas²⁹.

And Figure 6, shows the entire area has been designated protected under the 2008 Stormwater Needs Assessment Program³⁰. According to experts' reports, there are no mitigation plans that can protect this vast and intertwined water resource if a Surface Mine is allowed to operate at the headwaters of the Troutdale Aquifer³¹.

Keep in mind that our county is legally responsible for protecting our drinking water. They will be held accountable for the millions of losses in clean water should their decision to move forward with Heavy Industrial rezoning move forward³². Especially with the plethora of scientific evidence warning them not to allow heavy industrial use, especially Surface Mining in this fragile ecosystem.

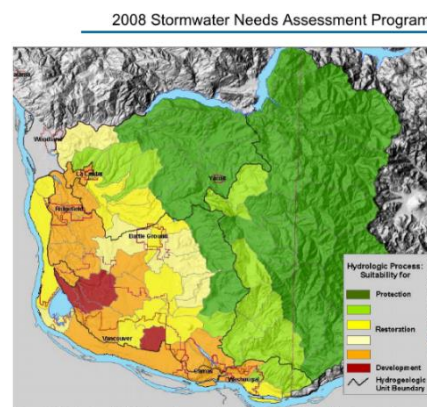


Figure 20. Priorities for suitability of areas for protection and restoration for the hydrologic process (from Draft Watershed Characterization of Clark County (Ecology, 2007)).

Figure 6 Protected Stormwater

The railroad

Due to a lack of need, in 1985 the railroad owner abandoned the RR and returned the land to its owners. Decades later, Clark County purchased the Chelatchie Prairie Railroad in stages over several years, primarily during the second half of the 1980s. The precise dates and sellers of each segment are not readily available (or relevant), but the overall timeline is as follows:

1981: Investors purchased the Chelatchie Prairie Railroad to abandon operations and sell the tracks, ties, and right-of-way.

Mid-1980s: Clark County began purchasing segments of the railroad to prevent its abandonment.

Late 1980s: Clark County completed the purchase of the entire Chelatchie Prairie Railroad.

The county's primary motivation for acquiring the railroad was to preserve it for commercial, tourist, and recreational purposes. Touting the Chelatchie Prairie Rails with Trails Project as the primary plan³³. Many families made major life decisions in where to buy homes and raise their families based on the Rails to

²⁹ USGS Science for a Changing World, Geologic Map of the Amboy Quadrangle, Clark and Cowlitz, Counties, Washington. By Russell C. Evarts. Pamphlet to accompany Scientific Investigations Map 2885, 2005, U.S. Department of the Interior, U.S. Geological Survey

³⁰ 2008 Stormwater Needs Assessment Program, Salmon Creek (RM 03.83)/Cougar Creek Subwatershed Needs Assessment Report. Clark County Public Works Clean Water Program, April 2009 [Public Record].

³¹ Documentation available on request.

³² Ashtabula County Board of Commissioners v. Ohio Environmental Protection Agency (1993), Citizens for Clean Water v. City and County of Denver (2002), Natural Resources Defense Council v. County of San Diego (2010), Clean Water Action Council v. County of Los Angeles (2016), Riverkeeper v. County of Westchester (2019) to name a few of the high profile cases.

³³ <https://clark.wa.gov/public-works/chelatchie-prairie-rail-trail-project>

Trails promise by Clark County. Since then, the Chelatchie Prairie Railroad has been leased to various operators, including the Battle Ground, Yacolt, and Chelatchie Prairie Railroad Association (BYCX) and the Portland Vancouver Junction Railroad (PVJR).

In 2004 Eric Temple was selected to rejuvenate the operation, where he started the Portland Vancouver Junction Railroad (PVJR). Since record-keeping began in 2004 the average number of cars per year since has been roughly 500. Looking at the loads over the last nine years of operations, it appears that there have not been any real financial gains that have come to the county from PVJR. In the meantime, there are expenses associated with maintaining the railroad and required safety items such as crossing guards, etc.

Even with the new lease and anticipated movement of rock out of Chelatchie, the county is expected to only gross about \$52,000 per year. The county has already spent more than \$500,000 on maintenance costs. This RR is a money loser for the taxpayers of Clark County. In a letter provided to the Clark County Council from Oliver Orjiako, Director, he stated,

“More than 600 on-line surveys were submitted and of the respondents, 77% were dissatisfied with the proposed overlay area and 79% with the one-mile corridor area. Of the property owners who responded who have property located in the one-mile corridor area, 85% would prefer to have their property removed from the future expansion area. Of the respondents with property in the proposed overlay area, 84% would prefer to be removed from the overlay area. Approximately 80% of respondents were dissatisfied with permitting chemical manufacturing, asphalt paving mixture and block manufacturing, and plastics and rubber products manufacturing. In looking at the entire use list, over 70% of respondents were not satisfied with either the permitted or conditional uses as recommended. The majority of all surveys and comments showed a lack of support for the FRDUAC recommendations.³⁴”

The county now, along with their out-of-county, out-of-state, and international corporations is promoting

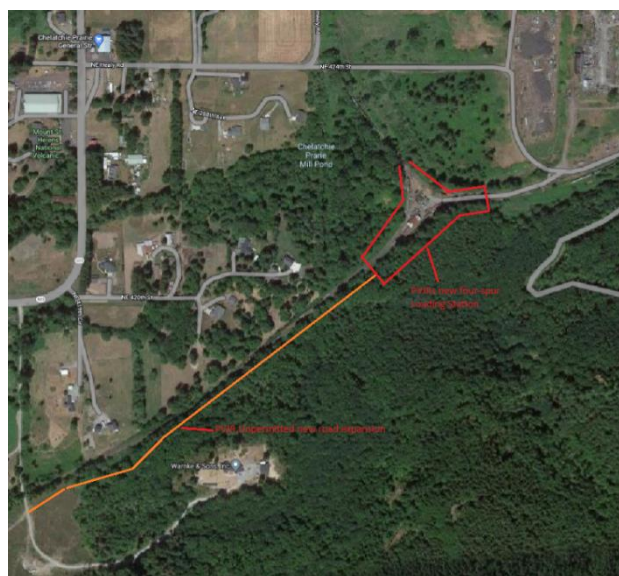


Figure 7 PVJR's Station Expansion (Estimated)

the expansion of the Portland Vancouver Junction Railroad in Chelatchie from a run-down inoperable rail to a four-spur heavy industrial loading station. This station will be designed to load two million metric tons of gravel each year from the Chelatchie Bluff Mine, and the Presto Homes Inc mine. It is also expected that they will secure contracts with Kravas Property Inc. for the transport of equipment and supplies, as well as take the opportunity to tap into the local logging industry provided by Weyerhaeuser Timber Holdings Inc. Securing the bigger plan of turning the whole east end of Chelatchie Prairie into a heavy industrial site.

PVJR railroad expansion. The expansion project [Figure 7] at Chelatchie Bluff is designed to take

³⁴ To: Clark County Council, From: Oliver Orjiako, Director, Prepared By: Jose Alvarez, Planner III, Date: September 18, 2018, Subject: FREIGHT RAIL-DEPENDENT USE PUBLIC COMMENT SUMMARY ON FRDUAC RECOMMENDATION. [Public Records available on request].

the single-rail two-spur station and turn it into a four-spur station. This will position PVJR to take loads from the proposed gravel mines as discussed earlier. PVJR's owner Eric Temple who leases the railroad from the County under specific terms has already stated that he is not under any State or Local regulations and has made it clear that he plans to run rip-shod over the land to create his rail system³⁵. Just in 2023 alone he has received stop orders, one from the Washington Department of Ecology³⁶, and one from the United States Army Corps of Engineers³⁷ specifically for environmental protection violations and working without a permit. However, all indications show that PVJR has a noncompliant culture that is comfortable ignoring local, state, and even federal law. He is a bad actor, and has violated the lease as follows³⁸:

“...the lease between the County and PVJR states PVJR will adhere to all applicable, state, federal, and local laws. More specifically, in part, the lease states:

- Section 5.1 “...PVJR covenants that... (3) it shall comply with all applicable federal, state, local, and police requirements, regulations, ordinances, and laws...”
- Section 7.6 “PVJR agrees to comply in all material respects with all laws, ordinances, rules, regulations, final orders and decrees applicable to the Line of Railroad...”
- Section 10 “PVJR shall be responsible for obtaining and maintaining any federal, state, or local regulatory agency... Any failure by PVJR to secure or maintain appropriate federal, state, or local regulatory agency or department approvals, authorizations, or exemptions from approvals as required by this Section 10 is a material breach of this Agreement.”
- Section 3.12.1.1 “A material breach of any of the terms and conditions of this Agreement, including but not limited to substantive noncompliance with all applicable federal, state, local and police requirements, regulations, ordinances, and laws, related to PVJR’s operation, ...”

There are additional issues surrounding the overall plan that Eric Temple and the PVJR is actively working on along the 33-mile County Owned (our) railroad. While this paper is focused on the Chelatchie Prairie issue, which I consider the head of this dragon, much support is needed in the greater Clark County area to fight these out-of-town tyrants enabled by our inept county. Additional source that should be reviewed are,

- Friends of Clark County, <https://friendsofclarkcounty.org/>
- Friends of Central Vancouver, <https://www.focv.info/>
- Columbia River Keepers, <https://www.columbiariverkeeper.org/>
- Friends of East Fork Lewis River, <https://eastforklewisriver.org/>
- East Fork Lewis River Alternative Restoration Plan (Number of pages: 196) (Publication Size: 2749KB), <https://apps.ecology.wa.gov/publications/summarypages/2110051.html>.

And many more, we are not alone in recognizing the vital importance of our environment, and the need to be vigilant to those who wish to destroy it.

³⁵ Infamous Richardson Letter dated February 16, 2023, from Eric Temple President, Portland Junction Railroad, specifically the second paragraph, [Public Record available on request].

³⁶ Department of Ecology Southwest Region Office Dated Oct. 23, 2023, to Eric Temple.

³⁷ Department of the Army, U.S. Army Corps of Engineers, Seattle District Dated Oct. 23 2023, to Eric Temple.

³⁸ Public Records email excerpt dated October 17th, 2023, from Kathleen Otto, County Manager to Eric Temple Owner PVJR.

Summary

Despite claims by a study conducted and paid for by the gravel industry that screams scare tactics of a limited aggregate rock supply (which can be argued is incorrect by non-corporate paid experts on this subject) – environmental concerns and the future of our children must remain paramount. The Chelatchie Prairie faces multiple threats, including polluted ground from previous disregard for the environment and the potential for further industrialization in this geologically unstable area by a multipronged corporate attack. While most of us who live in this area support industry, we also recognize the need to be responsible land stewards. Opening hundreds of acres to surface mining in this clean water-rich area is a moral outrage and a direct attack on us as citizens and to future generations who rely on our decisions today.

Key takeaways.

1. Any heavy industrial operations that include moving or displacing souls must be avoided due to the impact on the environment. These impacts include our most valuable resource water. Once groundwater becomes contaminated, rehabilitation becomes virtually impossible. The risk for contamination due to mining is extremely high for humans, animals, and other wildlife, for the greater Clark County³⁹. This is the Achilles heel of the Chelatchie Bluff Industrialization plan that out-of-county, out-of-state, international corporations and Clark County want to ignore.
2. The application for the operation comes from companies with proven disrespectful attitudes and non-compliance with the law. They cannot be trusted to place our community, land, and ecosystem ahead of corporate profits. They have already proven this in their actions as this paper has demonstrated.
3. The Department of Fish and Wildlife, the Department of Ecology, and the US Army Corps of Engineers, all experts in their fields have expressed serious concerns with allowing the Chelatchie Bluff Mine, Premo Homes Mine, Railroad, and associated industrialization of Chelatchie Prairie. Instead, they are bullied or ignored as some of the corporations have already, without permits begun construction, plowing over wetlands, and ignoring streams. Our county officials are seemingly allowing it (and in some cases promoting this illegal activity⁴⁰). Our county councilors enable further destruction through the passage of zoning changes and other assistance measures without proper State or Federal environmental studies. Like drug pushers, they provide our land to these corporate thugs showing no concern for the citizens of this country's future, life, liberty, or happiness.

³⁹ <https://www.mdpi.com/2073-4441/15/14/2654>

⁴⁰ June 27th, 2023 County Council Meeting hearing on the final ruling that the Chelatchie Bluff Surface Mine Overlay (SMO) was ruled illegal by the county attorney, yet Councilors Karen Bowerman, Michelle Belkot, and Gary Medvigy voted to ignore the ruling and allow the county to remain in non-compliance due to illegal legislation... they passed, <https://clark.wa.gov/community-planning/cpz2021-00006>.

In closing

The corporations have deep pockets, we are simply residents with limited funds and income. Chelatchie Prairie and surrounding areas are our sanctuary from the chaos of the world, it is quite peaceful, graced with deer, elk, bear, fish, and all the wonders of a peaceful world. I love to tell people, "I live where others go on vacation to camp". Not to fight is a moral outrage.

If you are interested in more information⁴¹ or want to get involved with common sense land management, please contact John E. Nanney at jnanney56@gmail.com or 360-524-4014.

⁴¹ If you disagree with information presented here, please let me know. I am always interested in learning and growing. In my 40-plus year career one thing has been constant, learning. I only ask that any argument be presented with documents that support your argument. Opinion is not worth my time, additionally, if name calling and inuendo is your only proof, please save your effort, once I see that, I will stop reading and hit the delete button. Such tactics are unacceptable, rude, and have no place in a proper debate. Thank you.