

From: [Sonja Wiser](#)
To: peterbracchi@aol.com; [Oliver Orjiako](#)
Cc: [Jose Alvarez](#); [Jacqui Kamp](#)
Subject: RE: GMA Review - Is Camping legal for the Unhoused on Critical Area lands set aside by the GMA
Date: Monday, January 23, 2023 10:36:00 AM

Good morning Peter; I will have our staff address your questions. Thank you for your email

-----Original Message-----

From: peterbracchi@aol.com <peterbracchi@aol.com>
Sent: Monday, January 23, 2023 9:40 AM
To: Sonja Wiser <Sonja.Wiser@clark.wa.gov>
Subject: GMA Review - Is Camping legal for the Unhoused on Critical Area lands set aside by the GMA

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

Hi Sonja, I have question for the GMA Review process.

Based on Federal Law, case law or the 9th Circuit Court of Appeals is camping legal in Clark County on GMA land set aside as non-buildable and designated Critical Areas?

- Wetlands.
- Areas with a critical recharging effect on aquifers used for potable water.
- Frequently flooded areas.
- Geologically hazardous areas.
- Fish and wildlife habitat conservation areas.

Thanks, Peter

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Background Information and Email from City of Vancouver

The Growth Management Act (GMA) requires all cities and counties to adopt development regulations that protect critical areas. These regulations help to preserve the natural environment, maintain fish and wildlife habitat, and protect drinking water. Protecting critical areas also helps reduce exposure to risks, such as landslides or flooding, and maintains the natural elements of our landscape. It can be costly, or even impossible, to replace critical area functions and values once they are lost.

RCW 36.70A.030(5) defines five types of critical areas:

- Wetlands.
- Areas with a critical recharging effect on aquifers used for potable water.
- Frequently flooded areas.
- Geologically hazardous areas.
- Fish and wildlife habitat conservation areas.

All critical areas must be designated and their functions and values protected using the best available scientific information – known as best available science or BAS. Salmonids play an extremely important role in the ecosystem and are vital cultural and economic resources, therefore jurisdictions must also “give special consideration to conservation and protection measures necessary to preserve or enhance anadromous fisheries.”

-----Original Message-----

From: Lande, Aaron <aaron.lande@cityofvancouver.us>
Sent: Wednesday, July 13, 2022 10:31 AM
To: PETER BRACCHI <peterbracchi@aol.com>

Subject: RE: Camping/habitation changes for Burnt Bridge Creek

Good morning,

The 9th Circuit Court of Appeals has said that camping can't be made illegal on any public property (with limited exceptions for health and safety e.g. the existing and proposed camping and outside habitation impact areas). The BBC Greenway is public property. HART has already begun and will continue to inform campers along the greenway who are camping in the impact areas that they need to move.

Aaron

-----Original Message-----

From: PETER BRACCHI <peterbracchi@aol.com>

Sent: Wednesday, July 13, 2022 7:51 AM

To: Lande, Aaron <aaron.lande@cityofvancouver.us>

Subject: Camping/habitation changes for Burnt Bridge Creek

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

good morning, with the upcoming changes for camping/habitation along Burnt Bridge Creek, is there any cut out regions along the Burnt Bridge Creek Greenway between Lake Vancouver and Burton Road where camping will be legal?

Thanks Peter