

DEVELOPMENT REVIEW

Director's Decision

APPLICANT: Embarq, representing Klickitat County

FILE NO.: C08-0023-K-G-21

REQUEST: To install approximately 794 feet of buried communication cable in the right-of-way of Wishram Road.

LOCATION: The subject parcel is located just east of the Wishram urban area in the NW ¼ of Section 16, Township 2N, Range 15E, Willamette Meridian, Klickitat County, Washington.

LAND USE

DESIGNATION: The County road right-of-way is in the General Management Area and is designated Large-Scale Agriculture.

DECISION:

Based upon the following findings of fact, the land use application by Embarq to install approximately 794 feet of buried communication cable in the right-of-way of Wishram Road is found to be consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act P.L. 99-663, and the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81 and is hereby approved.

CONDITIONS OF APPROVAL:

The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. **These conditions must be recorded in county deeds and records to ensure notice of the conditions to successors in interest** (Management Plan, Review Uses Guideline 1, pg. II-96).

1. The cable shall be installed as shown on the approved site plan.
2. All work shall occur within the existing disturbed road right-of-way. Any portion of the project area covered in grasses shall be revegetated with native grasses after construction.
3. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall cease and the applicants shall notify the Gorge Commission within 24 hours. The cultural resources shall remain as found; further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

4. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

DATED AND SIGNED THIS 26th day of December 2008 at White Salmon, Washington.



Brian Litt
Planning Manager

EXPIRATION OF APPROVAL:

This decision of the Planning Manager becomes void on the 26th day of December 2010.

As per Commission Rule 350-81-044(6), an extension of the validity of a development approval may be requested. Such a request shall be submitted in writing prior to the expiration of the approval. The Planning Manager may grant an extension if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing the proposed development within the original time limitation. The Planning Manager shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:

The appeal period ends the 25th day of January 2009.

The decision of the Planning Manager shall be final unless a Notice of Intent to Appeal and Petition is filed with the Commission within thirty (30) days of the date of this decision by the applicant or any person who submitted comment. Information on the appeal process may be obtained at the Commission office.

NOTES:

Any new land uses or structural development such as residences; garages, workshops, or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following individuals/agencies/governments:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Office of Archaeology and Historic Preservation
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Health Department
Klickitat County Assessor
Washington Natural Heritage Program
Friends of the Columbia Gorge

Written comments were received from Richard Till with the Friends of the Columbia Gorge and Sandy Swope Moody with the Washington Natural Heritage Program.

FINDINGS OF FACT:

A. Land Use

1. Embarq has applied to install a buried communication cable in the right-of-way for Wishram Road. The road was constructed prior to the Scenic Area Act and is a legally existing road. The cable would be buried approximately thirty inches underground over a distance of approximately 794 feet. The cable is to be buried south of the pavement along the southern portion of the right-of way. The road right-of-way in which the cable is buried passes through one property within the General Management Area of the Scenic Area. The property owner and Klickitat County have given their consent for the project. This project is part of a larger project beginning in the Wishram Urban Area. The Gorge Commission does not have jurisdiction over the portion of the project in the Urban Area; therefore, this decision only applies to the portion of the project located outside of the Urban Area in the General Management Area.

The purpose of the line is to provide telephone service to several properties adjacent to Wishram Road. The communication cable also can provide future internet and other communications services in the future. The portion of the right-of-way disturbed for this project will be restored to its pre-trenching condition.

2. The Land Use Designation map in the *Management Plan for the Columbia River Gorge National Scenic Area* designates the subject property as Large-Scale Agriculture in the General Management Area
3. Commission Rule 350-81-200(1)(a) allows the following review use on lands in the General Management Area designated Large-Scale Agriculture, subject to the scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-81-520 through 350-81-620) and additional approval criteria (350-81-220):

Utility facilities and railroads necessary for public service upon a showing that (1) there is no practicable alternative location with less adverse effect on agricultural or forest lands, and (2) the size is the minimum necessary to provide the service.

4. Commission Rule 350-81-020(166) defines “utility facility” as:

Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

The communication cable would provide for the transmission of telephone service to several properties. The cable is necessary for public service because the affected properties do not have telephone service and therefore lack reliable communication services for emergencies and other needs. The cable will rectify these problems.

The proposed location would occur within an existing road right-of-way which is already disturbed and would not be suitable for agricultural or forest uses. Siting the cable within the road right-of-way also will not affect use of the road for the purposes of agricultural or forest uses. Furthermore, burial of the cable will also ensure that the line will not impact potential agriculture or forest uses.

The cable will connect an existing power pole in the Scenic Area to a communication cable extending from the Wishram Urban Area via the shortest route possible along Wishram Road. The proposal is consistent with Commission Rule 350-81-200(1)(a).

5. Commission Rule 350-81-220 lists two additional approval criteria applicable to the proposed use. Commission Rule 350-81-220(1)(a) states:

The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.

Because the cable will be buried, it will have no effect on agricultural uses. The presence of the buried cable within an existing road right-of-way also will not change or increase the costs of accepted agricultural practices on nearby lands with agricultural uses. The proposal is consistent with Commission Rule 350-81-220(1)(a).

6. Commission Rule 350-81-220(1)(b) states:

The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

As stated in Finding A.4 above, burial of the cable within an existing road right-of-way that already is disturbed will minimize the loss of land suitable for agriculture. The proposal is consistent with Commission Rule 350-81-220(1)(b).

Conclusion:

The proposed communication cable is an allowed review use, subject to Commission Rules 350-81-520 through 350-81-620 that protect scenic, cultural, natural, and recreation resources

B. Scenic Resources

1. Commission Rule 350-81-520(1)(a) states:

New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

No new buildings or roads are proposed as part of this project. Commission Rule 350-81-520(1)(a) is not applicable.

2. Commission Rules under 350-81-520(2) provide guidelines to ensure that new development is visually subordinate from key viewing areas. While Wishram Road is visible from key viewing areas, the fiber optic cable will be buried underground and the right-of-way will be returned to its pre-existing condition. A condition of approval shall require the applicant to install the cable as shown on the approved site plan, keep all construction within the existing right-of-way and return the right-of-way to its existing condition. This condition of approval ensures that no part of the project will be visible from key viewing areas. With this condition, the project is consistent with Commission Rule 350-81-520(2).
3. The Landscape Settings map in the Management Plan classifies the subject parcel as Grasslands. Commission Rule 350-81-520(3)(c) contains guidelines for new development in this landscape setting.
4. Commission Rule 350-81-520(3)(d)(A) states:

Accessory structures, outbuildings, and access ways shall be clustered together as much as possible. Exceptions to this guideline are permitted where necessary for farming operations

No accessory structures, outbuildings or access ways are proposed as part of this project. Commission Rule 350-81-520(3)(d)(A) is not applicable.

5. Commission Rule 350-81-520(3)(d)(B) states:

In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordination for new development and expansion of existing development:...

The guidelines under Commission Rule 350-81-520(3)(d)(B) list ways for topographically visible projects in the Grassland landscape setting to achieve visual subordination. Because no above ground structures are included in this project, no part of the project will be visible from key viewing areas. Thus, Commission Rule 350-81-520(3)(d)(B) is not applicable.

Conclusion:

With a condition of approval ensuring that the applicant install the cable as shown on the approved site plan, keep all construction within the existing road right-of-way and return the right-of-way to its existing condition, the proposal would not be topographically visible from key viewing areas. The proposal is consistent with the scenic resource protection guidelines listed under Commission Rule 350-81-520.

C. Cultural Resources

1. Commission Rule 350-81-540(1)(c)(A) and (B) include guidelines to determine when a cultural resource reconnaissance survey and a historic survey are required.

2. Commission Rule 350-81-540(1)(c)(A)(i) requires a cultural resources reconnaissance survey for proposed uses within 500 feet of a known cultural resource.

Marge Dryden, Archaeologist with the USDA Forest Service National Scenic Area, determined the proposed use is located within 500 feet of a known cultural resource and that a reconnaissance survey was required pursuant to Commission Rule 350-81-540(1)(c)(A)(i).

3. Ms. Dryden conducted a reconnaissance survey of the subject parcel. In “Heritage Resource Inventory Report” dated November 17, 2008, Ms. Dryden concluded that the proposed project will have no effect on any significant prehistoric or historic-period archaeological resources.
4. Pursuant to Commission Rule 350-81-540(2)(b), the Gorge Commission sent a copy of the Heritage Resource Inventory Report to the Washington Department of Archaeology and Historic Preservation (State Historic Preservation Officer) and the four tribal governments. The state and tribal governments were given 30 days to submit comments on the report.
5. Commission Rule 350-81-540(2)(c)(B) states:

The cultural resource protection process may conclude when one of the following conditions exists...

- (ii) *A reconnaissance survey demonstrates that cultural resources do not exist in the project area, no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed, and no substantiated concerns regarding the reconnaissance survey were voiced by the State Historic Preservation Officer or Indian tribal governments during the 30-day comment period in subsection 2(b)(B) above.*

The Heritage Resource Inventory Report demonstrated that significant cultural resources do not exist in the project area. Additionally, no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed, and no substantiated concerns regarding the reconnaissance survey were voiced by the State Historic Preservation Officer or Indian tribal governments during the 30-day comment period. Therefore, the cultural resource protection process may conclude.

6. Commission Rule 350-81-540(1)(c)(B) states:

A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

The proposed use would not alter the exterior architectural appearance of any buildings or structures that are 50 years old or older, nor would it compromise features of the

surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 or more years old. Pursuant to Commission Rule 350-81-540(1)(c)(B), a historic survey was not required for the proposed use.

7. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval will alert the applicant to this requirement.
8. Commission Rule 350-81-540(7) protects human remains discovered during construction. It requires that if human remains are discovered after construction begins, all construction activities shall cease and the Gorge Commission, local law enforcement officials and the Indian tribal governments shall be contacted immediately. A condition of approval will alert the applicant to this requirement.

Conclusion:

With conditions requiring the cessation of work and Commission notification if cultural resources or human remains are discovered during construction activities, the proposed communication cable installation is consistent with applicable cultural resource protection guidelines in Commission Rule 350-81-540.

D. Natural Resources

1. Commission Rule 350-81 protects wetlands (350-81-560); streams, ponds, lakes and riparian areas (350-81-570); sensitive wildlife areas and sites (350-81-580); and sensitive plants (350-81-590).
2. According to Gorge Commission inventories, there are no wetlands near the project area or sensitive wildlife areas and sites within 1,000 feet of the project area. Therefore, Commission Rule 350-81-560 (wetlands) and Commission Rule 350-81-580 (sensitive wildlife areas and sites) are not applicable.
2. Gorge Commission inventories identified one intermittent stream within the project area, which is not used by anadromous or resident fish. Commission Rule 350-81-570(7)(a)(B) requires a 50-foot buffer on each side of intermittent streams. Because Wishram Road crosses the stream, the cable also will cross the stream and would therefore be within the required buffer. The stream runs under the road in a culvert. The culvert is approximately 10 to 12 feet below the road base. The cable will be buried at a depth of approximately 30 inches, several feet above the culvert.
3. Commission Rule 350-81-570(6) lists guidelines for review uses located in streams or stream buffers. Commission Rule 350-81-570(6)(a) states:

The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by 350-81-560(6)(a), substituting the term stream, pond, lake, or riparian area as appropriate.

The proposed use is not water dependent. Therefore, the use must be consistent with Commission Rule 350-81-560(6)(a).

4. Commission Rule 350-81-560(6)(a) states:

The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

- (A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands;*
- (B) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and*
- (C) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.*

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

The proposed use is not water-dependent but has no practicable alternative with less adverse effects on the stream and stream buffer. The basic purpose of the use is to provide phone service to several properties on Wishram Road from the town. Locating the cable along the south shoulder of Wishram Road is the most direct route for reaching the affected properties. This route crosses an intermittent stream, but the stream is captured in an existing culvert in this location and will not be affected. Placing the line above-ground also would not affect the stream, but it would increase scenic resource impacts. Because the project will not adversely affect the stream or stream buffer, there is no other location in the vicinity that could accomplish the same purpose with less adverse effects on the intermittent stream, consistent with part A of this rule.

As proposed, the size of the communication cable is the minimum size to provide phone and other communication services to properties on Wishram Road. Because the stream is carried in a culvert in the location where the project disturbs the stream buffer, no reconfiguration of the project could be made to avoid or reduce impacts to the stream and stream buffer, consistent with part B of this rule.

Lack of phone service for the affected properties is the constraint that the proposed project intends to correct. Parcel size, land designation or recreation intensity class did not constrain the consideration of alternative sites for this project. The proposed site for the project accesses the closest communications connection (at the intersection of Boulder Drive and Wishram Road) that could serve this project. Other sites would entail greater amounts of excavation in a portion of the Scenic Area that has many cultural resources and sensitive plants. The proposed siting for the project would result in minimal impacts to the intermittent stream while also minimizing impacts to other Scenic Area resources, consistent with part C of this rule.

There are no practicable alternatives for the proposal with fewer impacts to streams or stream buffers. Placing the fiber optic cable aboveground would result in impacts to scenic resources. The proposed location in the road minimizes impacts to water resources because it crosses the stream in a location where it runs through an existing culvert. Cost, technology, logistics and overall project purposes did not constrain the search for practicable alternatives: there are no practicable alternatives. There is thus no practicable alternative to the proposed project. The proposal is consistent with Commission Rule 350-81-560(6)(a) and is thus also consistent with Commission Rule 350-81-570(6)(a).

5. Commission Rule 350-81-570(6)(b) states:

The proposed use is in the public interest as determined by 350-81-560(6)(b), substituting the term stream, pond, lake, or riparian area as appropriate.

6. Commission Rule 350-81-560(6)(b) states:

The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:

(A) The extent of public need for the proposed use.

Residents on Wishram Road currently lack phone service. This project would serve this public need for Wishram Road residents.

(B) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

The proposed project would be located within an existing road that crosses private property. The presence of the proposed fiber optic cable buried in this road would cause no detrimental effects to this property but would cause beneficial effects by providing phone service and the ability for future internet and other communications service for several properties. These beneficial effects would occur for the life of the communications cable.

(C) The functions and size of the wetland that may be affected.

As mentioned in Finding D.4 above, the intermittent stream is captured in a culvert in this location. The cable will be buried several feet above the elevation of the culvert. The function of the stream is to allow run-off water to flow from hills to the north of the project area into what is known as Dump Lake. The function of the culvert – and thus the stream – will not be affected by the project.

(D) *The economic value of the proposed use to the general area.*

Phone service in this area will provide economic value to an existing residence and adjacent properties. Without reliable phone service, property owners and residents on Wishram road would remain at a disadvantage compared to residents within the town of Wishram with respect to safety and basic services.

(E) *The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.*

The ecological value of the intermittent streams is limited because it is captured in an existing culvert in this area. No effects on the ecological value of the intermittent streams are anticipated as a result of this project. The placement of a communication cable within this road right-of-way would not affect public health, fish, plants, or wildlife. The project will improve public safety by providing reliable phone service to several properties. The project as a whole is subject to Commission Rules 350-81-560 through 600 for the protection of natural resources, thus ensuring that there would be no probable effects on fish, plants or wildlife, consistent with this rule.

In conclusion, the proposed project would provide a public service for properties on Wishram Road without affecting the ecological value of the existing intermittent stream. The proposed use is therefore in the interest of the public, is thus consistent with Commission Rule 350-81-560(6)(b) and therefore is also consistent with Commission Rule 350-81-570(6)(b).

7. Commission Rule 350-81-570(6)(c) states:

Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

At a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

(A) *Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife, 2000), unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife. In Washington, the*

Washington Department of Fish and Wildlife shall evaluate specific proposals and specify periods for in-water work.

It is not necessary to specify periods of work for in-water work because the project will have no effect on the intermittent stream and there are no fish in this stream. Additionally, there are no known wildlife sites or areas located in the vicinity of this project. Thus the proposed project is consistent with the timing requirements contained in this guideline.

(B) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

There is very little natural vegetation in the project area and no riparian vegetation will be disturbed because the stream is captured in a culvert where it crosses Wishram Road. The proposed project is consistent with this guideline.

(C) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

This guideline stipulates techniques to be used if controls are necessary as a mitigation measure. Because this proposal will have no impact on the intermittent stream, mitigation measures are not necessary, including the use of nonstructural controls or natural processes. The proposed project is consistent with this guideline.

(D) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

The water crossing for this communications utility is minimized because it occurs where the stream is captured in an existing culvert. The communication cable will provide phone service immediately and other communications services in the future. It is located to serve several properties. The project is consistent with this guideline.

(E) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.

The stream is located in an existing culvert in this location. No new culverts or bridges are proposed in this application. Thus the proposed project is consistent with this guideline.

(F) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

The riparian area will not be disturbed because the stream is captured in a culvert in the location of proposed ground disturbance. The disturbance will occur between the culvert and the ground surface. No sedimentation control measures are necessary. Erosion control measures also are not required because of the stream running through a culvert in this location.

In summary, the project will result in no impacts to water quality, natural drainage, or fish and wildlife habitat of the affected stream or buffer zone. No additional conditions or control measures are required. The project is consistent with Commission Rule 350-81-570(6)(c).

8. Commission Rule 350-81-570(6)(d) states:

Groundwater and surface-water quality will not be degraded by the proposed use.

As explained above, the trenching for the communication cable will occur between the existing stream culvert and the shoulder surface. Because the stream is in a culvert in this location, no effects to groundwater are expected as a result of this project. Any portion of the right-of-way covered in grasses prior to ground disturbance shall be revegetated with native grasses to prevent erosion and protect surface water quality downhill of the project. With a condition of approval to require grassy areas to be revegetated, the project is consistent with Commission Rule 350-81-570(6)(d).

9. Commission Rule 350-81-570(6)(e) states:

Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

None of the proposed project is water-dependent. As described in Finding D.4 above, there is no practical alternative to accessing the affected properties outside of stream buffers. The proposed communication cable is consistent with Commission Rule 350-81-570(6)(e).

10. Commission Rule 350-81-570(6)(f) states:

The proposed use complies with all applicable federal, state, and county laws.

A Scenic Area permit is not a substitute for applicable federal, state and county laws. It is the applicant's responsibility to contact all applicable federal, state and county agencies and obtain any necessary permits.

11. Commission Rule 350-81-570(6)(g) states:

Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

No net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream or stream buffer zone are expected to occur as a result of this project. The project is consistent with this rule and does not require any rehabilitation or enhancement measures for approval.

15. The Gorge Commission's sensitive plant inventory indicated two sensitive plants within 1,000 feet of the subject project. Commission Rule 350-81-590(4) contains guidelines for review of proposed uses within 1,000 feet of sensitive plants. This section requires that site plans for such uses be submitted to the Washington Natural Heritage Program to verify the precise location of the sensitive plant species and delineate a 200-foot buffer zone on the project applicant's site plan. On October 22, 2008, the application and site plan were submitted to Sandy Swope Moody, Environmental Review Coordinator for the Washington Natural Heritage Program, for review.
16. Commission Rule 350-81-590(4)(b) states:

The rare plant protection process may conclude if the Executive Director, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.

In a letter dated October 29, 2008, Ms. Moody stated that one sensitive plant species occurs near the project, but is located outside of the required 200-foot buffer area for sensitive plants. Pursuant to Commission Rule 350-81-590(4)(b), the rare plant resource protection process may conclude.

Conclusion:

The project is not located within a 200-foot buffer area of nearby sensitive plant species and no wetlands or wildlife areas or sites are located in the vicinity of the project. With a condition of approval to return the right-of-way to its pre-existing condition after construction, the proposed fiber optic cable is consistent with the applicable guidelines in Commission Rules 350-81-560 through 350-81-590 that protect natural resources.

E. Recreation Resources

1. Commission Rule 350-81-086 states:

If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

No new buildings or structures are proposed as part of this project; therefore Commission Rule 350-81-086 is not applicable

Conclusion:

Because the proposal would not involve any new buildings or structures, the recreation resource protection guideline listed under Commission Rule 350-81-086 is not applicable.

cc: Confederated Tribes and Bands of the Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation
Nez Perce Tribe
Klickitat County Planning
Klickitat County Building
Friends of the Columbia Gorge
Washington Department of Fish and Wildlife
Washington Natural Heritage Program

JBK
FIND0023.08

PROJECT SCHEMATIC

HWY 14

SHEET 1

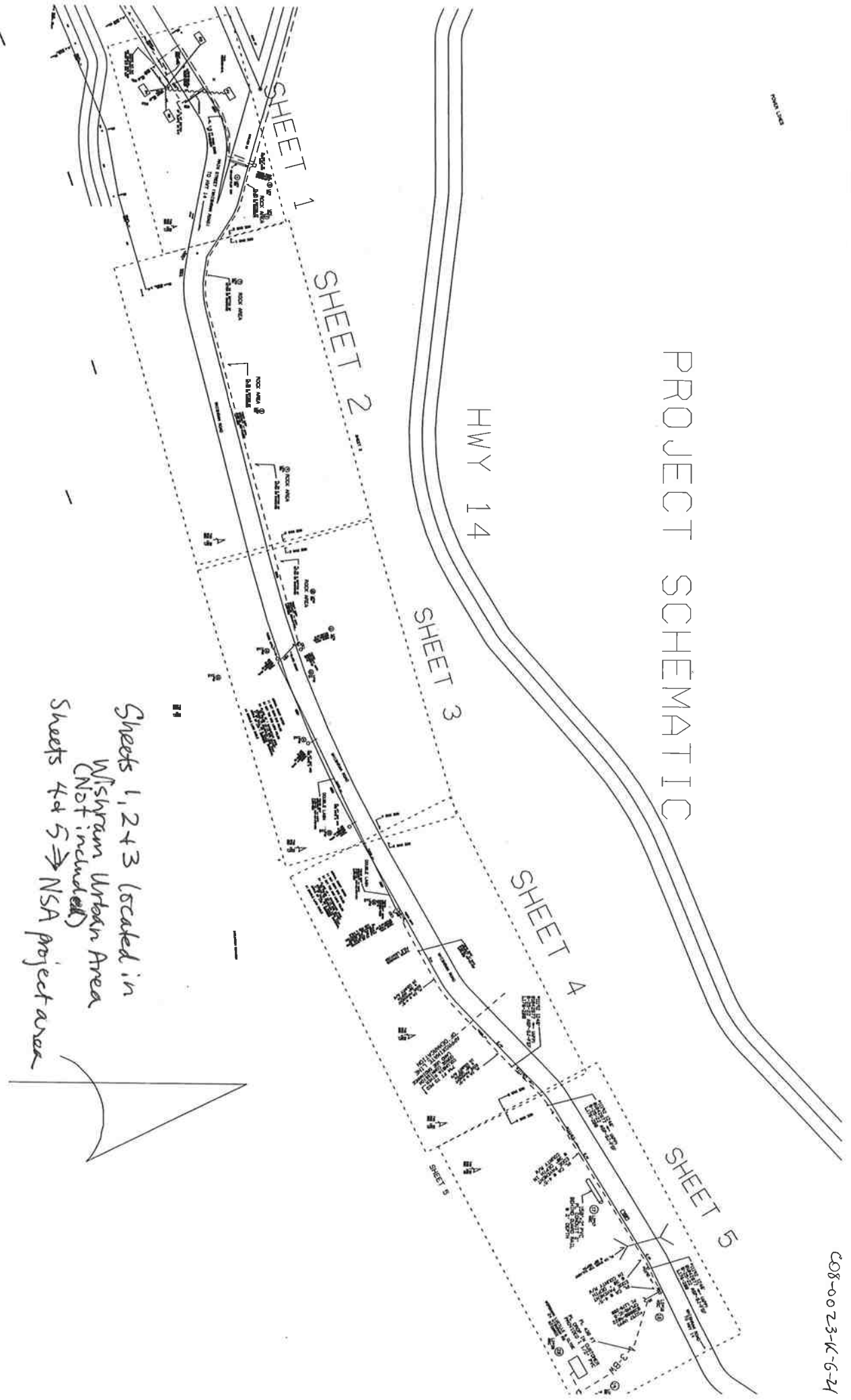
SHEET 2

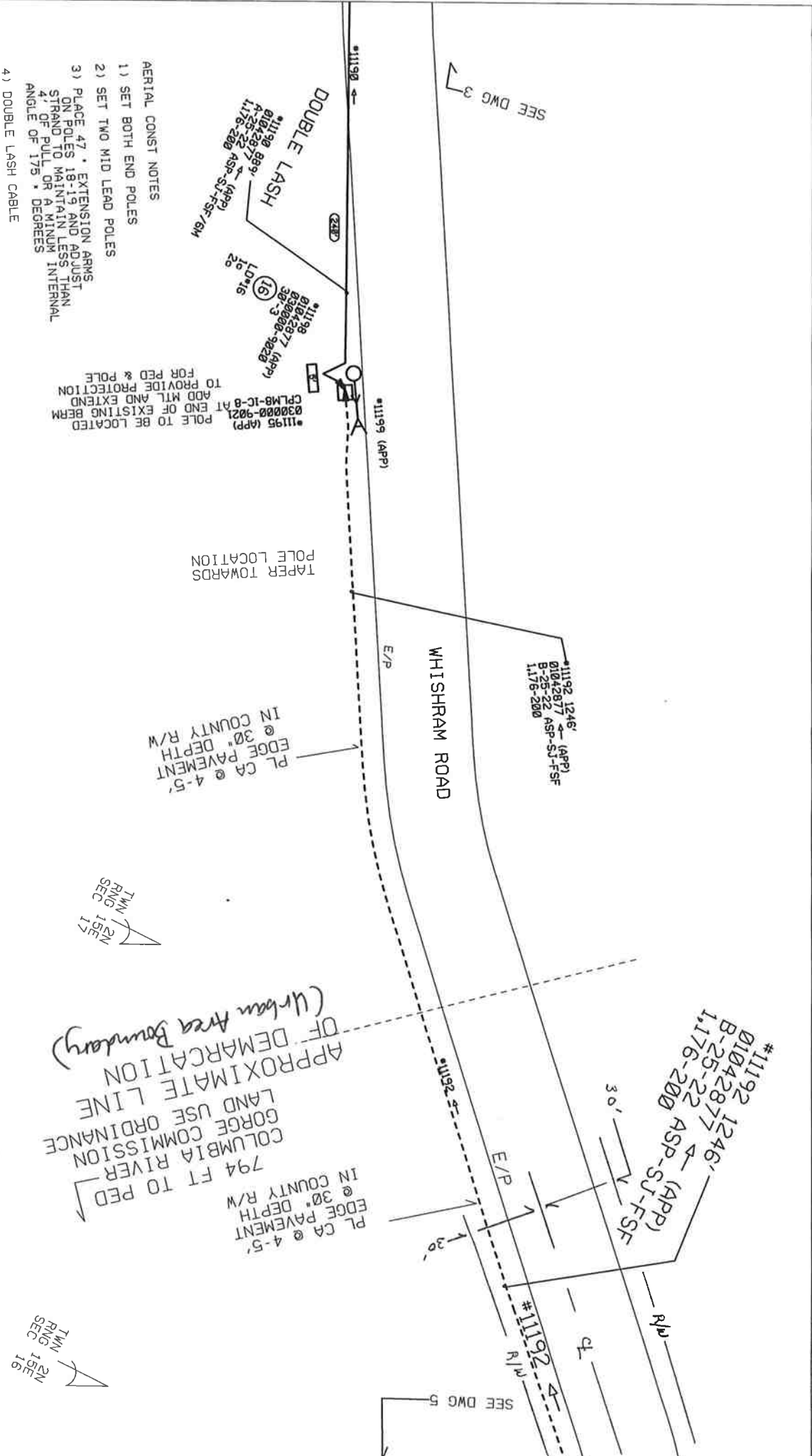
SHEET 3

SHEET 4

SHEET 5

Sheets 1, 2 + 3 located in
 Wisnham Urban Area
 (NST included)
 Sheets 4 + 5 → NSA project area





- AERIAL CONST NOTES
- 1) SET BOTH END POLES
 - 2) SET TWO MID LEAD POLES
 - 3) PLACE 47' EXTENSION ARMS ON POLES 18-19 AND ADJUST STRAND TO MAINTAIN LESS THAN 4" OF PULL OR A MINIMUM INTERNAL ANGLE OF 175 DEGREES
 - 4) DOUBLE LASH CABLE

POLE TO BE LOCATED AT END OF EXISTING BERM
 CPM8-1C-8 ADD MTL AND EXTEND TO PROVIDE PROTECTION FOR PED & POLE

TAPER TOWARDS POLE LOCATION

PL CA @ 4-5' EDGE PAVEMENT @ 30" DEPTH IN COUNTY R/W

794 FT TO PED COLUMBIA RIVER GORGE COMMISSION LAND USE ORDINANCE APPROXIMATE LINE OF DEMARCATION (Urban Area Boundary)

TWN R1G SEC 2N 19E 16

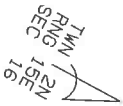
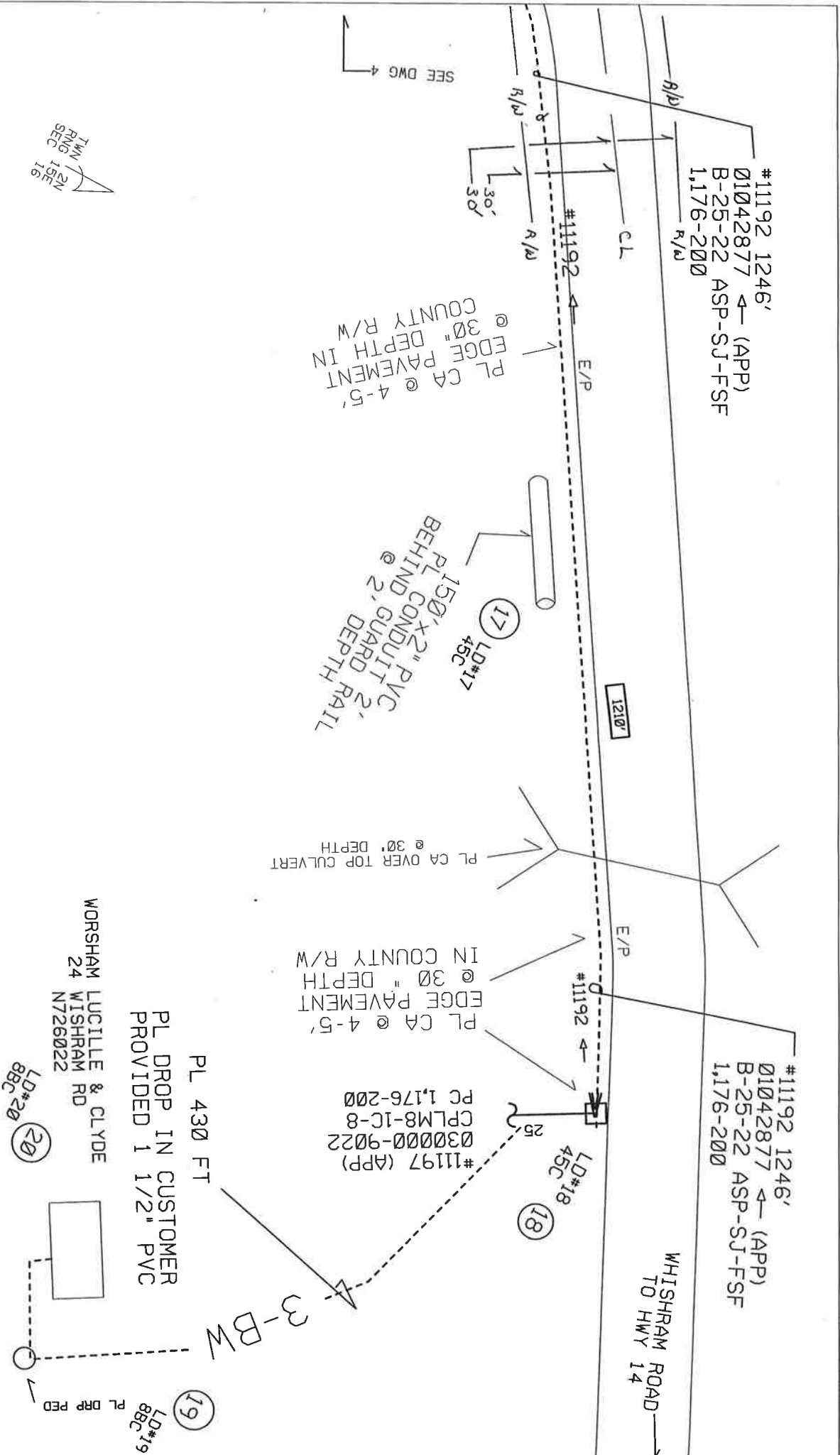
TWN R1G SEC 2N 19E 17

Location:	Title: WSHR LNCST WORSHAM	Township/Taxcode:	Exchange:	Map:	Engineer:	Work Order:
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			CD:		Phone: 541-381-9170	Print Desc: 4
					10/06/2008	Sheet: 5
					10/09/2008	Of: 5



APPROVED

12/19/08



Title: WSHR LINCST WORSHAM	Township/Taxcode: WSHRVA	Exchange: WSHRVA	Map: Scale: 1"=50'	Engineer: BURTON, DAVE H	Work Order: 01042877
Location:	Manager:	CD:	Scale: 1"=50'	Phone: 541-387-9170	Sheet: 5
				Print Date: 10/06/2008	Of: 5
				Print Date: 10/09/2008	

WORSHAM LUCILLE & CLYDE
 24 WISHRAM RD
 N7226022

PL DROP IN CUSTOMER PROVIDED 1 1/2" PVC

APPROVED

DL 12/19/08

