

DIRECTOR'S DECISION

APPLICANT: Oregon Department of Transportation

LANDOWNER: Schreiner Farms, Inc.

FILE NO.: C13-0013

REQUEST: To install 2 whip antennas (9 and 11-feet tall), a box amplifier and a 4-foot diameter microwave dish antenna on an existing communications tower. The whip antennas and amplifier are proposed to be mounted at the 60-foot level on a 68-foot tall tower. The microwave dish will be mounted at the 36-foot level. Supporting equipment will be located within an existing equipment shelter located within a fenced enclosure.

LOCATION: The project site is located approximately 1.5 miles to the northwest of the community of Dallesport, WA. The subject parcel is in Section 9, Township 2 North, Range 13 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID 02130900000000).

LAND USE DESIGNATION: The subject parcel is 640 acres in size and is designated Large-Scale Agriculture in the General Management Area.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C13-0013, the land use application by Oregon Department of Transportation for the installation of antennas and support structures at an existing telecommunications site 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:

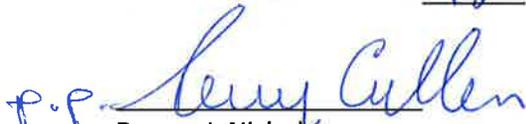
The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. Compliance with them is required. **This decision must be recorded in county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

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C13-0013, and approved site plan, shall be recorded in county deeds and records at the Klickitat

County Assessor's Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.

2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws.
3. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes must be reviewed and approved by the Executive Director before the changes are implemented.
4. All project components shall be a dark brown color matching the existing tower (Sherwin Williams "French Roast (SW6069)) as described in the project description.
5. If exterior lighting is desired, the applicant must provide an image of all proposed lighting fixture(s) for the Executive Director's review and approval, prior to installation. All new outdoor lighting must be directed downward and sited, hooded and shielded to direct light away from key viewing areas. The fixtures shall be non-reflective or made with materials having low reflectivity.
6. **The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval.** Project completion means completion of all work on exteriors of structures (including painting), completion of grading and excavation, and planting of any required vegetation.
7. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery. The cultural resources shall remain as found; further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
8. If human remains are discovered during construction activities, all activities shall cease immediately 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 18 day of November, 2014 at White Salmon, Washington.


Darren J. Nichols
Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 18th day of November, 2016.

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 Executive Director 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 Executive Director shall not grant an extension if the site characteristics and/or new information indicate 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 18th day of December, 2014.

The decision of the Executive Director 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.

Attachments:

- Staff Report for C13-0013
- Approved site plan

COPIES OF THIS DECISION SENT TO:

- 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 Department of Archaeology and Historic Preservation
- Klickitat County Planning Department
- Klickitat County Building Department
- Klickitat County Health Department
- Klickitat County Assessor
- Klickitat County Public Works
- Washington Department of Fish and Wildlife
- Friends of the Columbia Gorge
- Peter Witherspoon, representing Schreiner Farms

TFA

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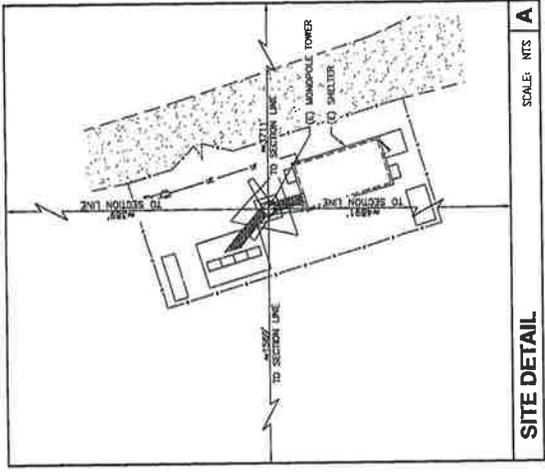
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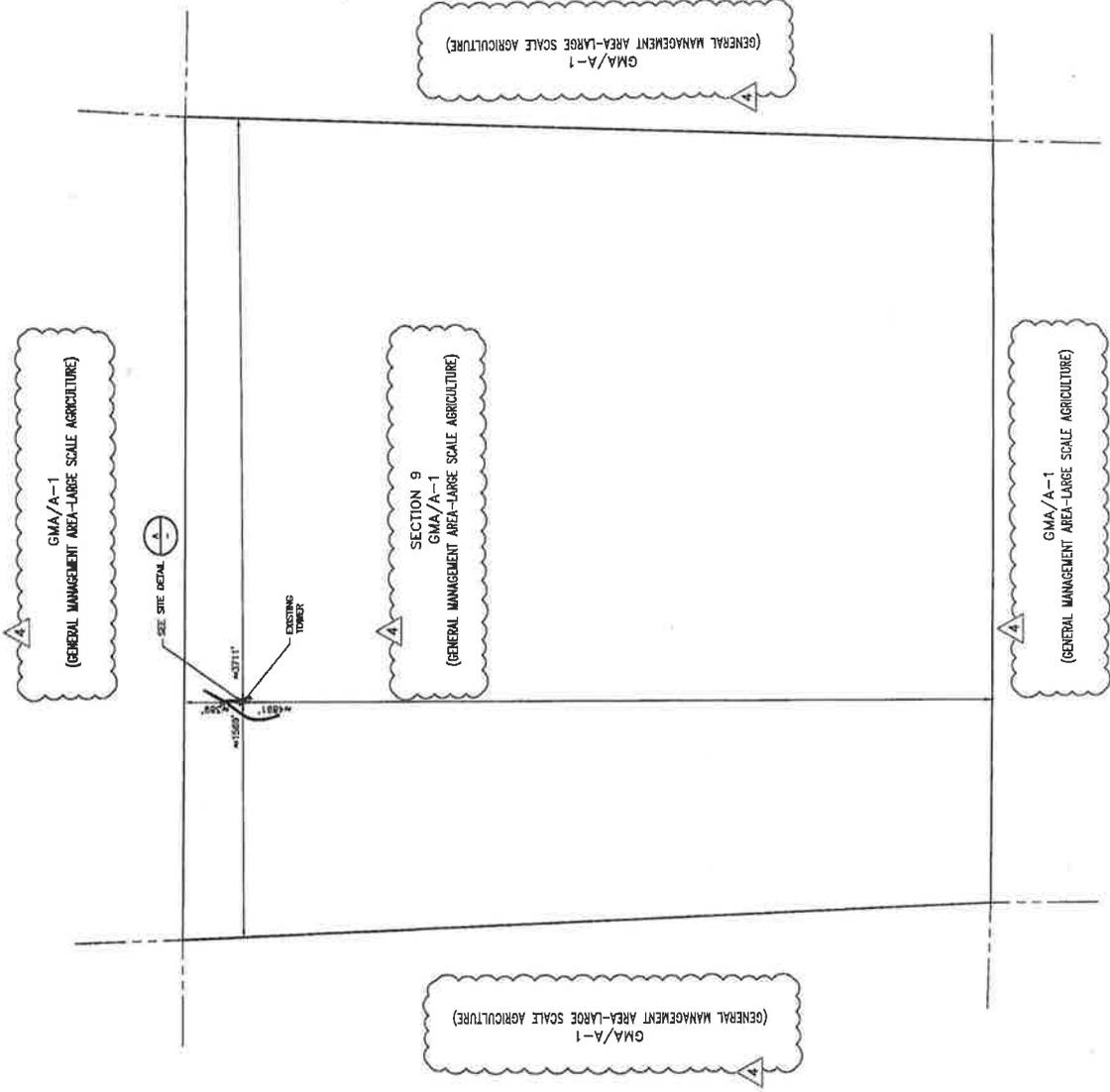
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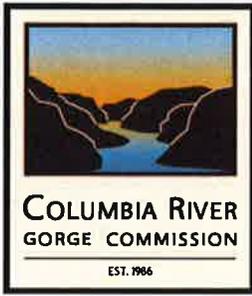
ZONING PLAN	
SITE ID	F7274
DRAWN BY	BAW/CK/NEF
REV/A	07/22/2013 IAS
SHEET NO.	C-1
SCALE	1"=17'
SCALE	226'x4'
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SITE DETAIL SCALE: NTS **A**
 T-2N R.13E SEC.9 T.L.2130900000000
 KLICKITAT COUNTY, WASHINGTON



APPROVED
ll 11-18-14



STAFF REPORT

APPLICANT: Oregon Department of Transportation

APPLICANT AGENT: Kevin Provance, of Black and Veatch

LANDOWNER: Schreiner Farms, Inc.

FILE NO.: C13-0013

REQUEST: To install 2 whip antennas (9 and 11-feet tall), a box amplifier and a 4-foot diameter microwave dish antenna on an existing communications tower. The whip antennas and amplifier are proposed to be mounted at the 60-foot level on a 68-foot tall tower. The microwave dish will be mounted at the 36-foot level. Supporting equipment will be located within an existing equipment shelter located within a fenced enclosure.

LOCATION: The project site is located approximately 1.5 miles to the northwest of the community of Dallesport, WA. The subject parcel is in Section 9, Township 2 North, Range 13 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID 02130900000000).

LAND USE DESIGNATION: The subject parcel is 640 acres in size and is designated Large-Scale Agriculture in the General Management Area.

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 Department of Archaeology and Historic Preservation
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Health Department
Klickitat County Assessor
Friends of the Columbia Gorge

Written comments were received from Mo-Chi Lindblad, Klickitat County Planning Department and Peter Witherspoon, representing Schreiner Farms, and Richard Till, Friends of the Columbia Gorge.

NOTE:

Schreiner Farms, the landowner in this applicant, submitted a letter through its attorney stating that the Commission should not issue a decision in this matter unless Schreiner Farms consents to the application, which it had not yet done as of November 5, 2014. Schreiner Farms explained that its lease requires that it consent to adding additional facilities to the leased facilities. See Sec. 6 of Communications Site lease Agreement (Ground) dated Aug. 28, 1999 (on file with Gorge Commission). Schreiner Farms did not address Section 2 of the lease, which requires it to cooperate with the lessee in making application for necessary approvals. The land use application contains the signature of the lessee, which, combined with section 2 of the lease, the Commission believes is reasonable landowner approval to submit this application.

FINDINGS OF FACT:

A. Land Use

1. Oregon Department of Transportation has applied to co-locate three new telecommunications antennas on an existing 68-foot tall communications tower at an existing telecommunications facility. The facility is located to the northwest of Dallesport, Washington on a 640-acre parcel designated Large-Scale Agriculture in the General Management Area (GMA).
2. The project consists of two 4-inch diameter whip antennas, one of which is 9-feet tall and the other 11-feet tall. An approximately 1 x 2 foot box amplifier will be mounted at the base of the 15-foot whip antenna. The whip antennas and amplifier are proposed to be mounted at the 60-foot level on a 68-foot tall tower. A third antenna proposed is a 4-foot diameter microwave dish antenna to be mounted at the 36-foot level. In addition, supporting wiring and equipment will be located vertically along the tower and within an existing equipment shelter located within a fenced enclosure. The application indicates that all equipment will be painted dark brown to match the color of the existing tower.
3. Commission Rule 350-81-182 allows uses listed in "Expedited Review Process" (Commission Rule 350-81-050) on lands designated Large-Scale Agriculture in the GMA. Commission Rule 350-81-050(1)(r)(C) allows new antennas and associated support structures for existing communication towers through the expedited review process. It states:

New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

The existing tower was constructed in 1998 under the approval of Director's Decision C98-0023-K-G-21. The proposed new antennas will provide improved public service and emergency management communications. The equipment is designed and sized to be adequate to provide coverage meet emergency management and public service communication needs. The proposed antennas and support structures are eligible for expedited review, consistent with Commission Rule 350-81-050(1)(r)(C).

4. Commission Rule 350-81-052(1) and (2) include scenic, cultural, recreation, and natural resource and treaty rights protection guidelines for proposed development reviewed pursuant to the expedited review process. These findings are discussed below in Sections B through F.

Conclusion:

The proposed antennas and associated support structures are an allowed expedited review use, subject to compliance with the guidelines in Commission Rule 350-81-052 that protect scenic, cultural, natural and recreation resources and treaty rights.

B. Scenic Resources

1. Commission Rule 350-81-052(1)(a)(B) states:

Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

The development site is located on a south-facing hillside at an approximate elevation of 1,840 feet. The tower is topographically visible in the middle ground (1 to 3 miles) and background (greater than 3 miles) from several Key Viewing Areas (KVAs) to the south: the Columbia River, I-84, and the Historic Columbia River Highway, all of which are located at much lower elevations. Director's Decision C09-0012 authorized the placement of existing antennas on the subject communication tower. That decision required the tower and antennas to be painted a dark brown (Sherwin-Williams "French Roast"). The applicant has proposed to paint the proposed antennas a dark brown color to match the existing tower. A condition of approval is included in the Director's Decision to require a dark, earth-tone color consistent with Commission Rule 350-81-052(1)(a)(B).

2. Commission Rule 350-81-052(1)(a)(C) states:

Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

A condition of approval is included in the Director's Decision to require a flat, low-reflective finish consistent with Commission Rule 350-81-052(1)(a)(C).

3. Commission Rule 350-81-052(1)(a)(D) states:

Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

No new outdoor lights are proposed. A condition of approval will be included in the Director's Decision to ensure any future outdoor lighting complies with this guideline.

4. Commission Rule 350-81-052(1)(a)(F) states:

Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

The proposed development is located northeast of Dallesport, Washington, over a mile north of SR 14 and is not located within one-half mile of any key viewing area. Given this information, Commission Rule 350-81-052(1)(a)(F) is not applicable.

Conclusion:

With conditions of approval addressing color, reflectivity, and outdoor lighting, the proposed development is consistent with applicable guidelines for the protection of scenic resources in Commission Rule 350-81-052.

C. Cultural Resources

1. Commission Rule 350-81-052(1)(b) includes cultural resource protection provisions for uses eligible for the expedited review process. It states:

(A) *The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to 350-81-540(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(B).*

(B) *The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.*

Marge Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on November 3, 2014. Ms. Dryden determined that the proposed development does not require a reconnaissance survey or historic survey pursuant to Commission Rules 350-81-540(1)(c)(A) and (B) because the proposed use: 1) involves the modification of an existing building, 2) occurs on a site that has been disturbed by human activities, 3) has been adequately surveyed in the past, 4) does not occur within 500 feet of a known archaeological site, 5) does not alter the exterior architectural appearance of any significant buildings or structures that are 50 years old or older, and 6) would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. With conditions of approval to require the protection of cultural resources and human remains discovered during construction, the proposed development is consistent with the cultural resource protection guidelines in Commission Rule 350-81-052(1)(b).

Conclusion:

With conditions requiring the cessation of work and Commission notification if cultural resources or human remains are discovered during construction, the proposed development is consistent with the cultural resources guidelines in Commission Rule 350-81-052(1)(b).

D. Natural Resources

1. Commission Rule 350-81-052(1)(d) lists natural resource protection guidelines for expedited review uses. To qualify for the expedited review process, Commission Rule 350-81-052(1)(d)(A)(i) requires new development is located outside buffer zones for wetlands, streams, rivers, ponds, and lakes, except for lot line adjustments or development located

inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

Intermittent streams originate above the elevation of the communication site and pass to the west and east of the site. Pursuant to Commission Rule 350-81-570(7), the streams have 50-foot buffers. The proposed addition will be located more than 400 feet from the ordinary high water mark of any stream, and outside of the buffer zones. The additional antennas would not be located within the vicinity of any wetlands, rivers, ponds, or lakes. Given this information, the proposed development is consistent with 350-81-052(1)(d)(A)(i).

2. Commission Rule 350-81-052(1)(d)(B) contains expedited review guidelines to protect sensitive wildlife and sensitive plants. It requires eligible development to meet one of the following circumstances:

- (I) *The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or*
- (II) *The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or*
- (III) *For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.*

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

There are no known sensitive plants or wildlife areas or sites on the subject property or within 1,000 feet. The development will occur within a fenced area that has been used and maintained as a telecommunications site. As such, the site has been previously disturbed and regularly maintained. The proposed addition is consistent with the natural resource protection measures in Commission Rule 350-81-052(1)(d)(B)(I) and (II).

Conclusion:

The proposed development is consistent with the natural resource protection guidelines in Commission Rules 350-81-052(1)(d) for uses eligible for expedited review.

E. Recreation Resources

1. Commission Rule 350-81-052(1)(c)(A) requires new development approved under the expedited review process to not detract from the use and enjoyment of recreation sites on adjacent parcels.

No established recreation sites exist on adjacent properties; therefore, this rule is not applicable.

Conclusion:

The proposed development is consistent with applicable recreation resource protection guidelines for expedited review uses in Commission Rule 350-81-052(1)(c).

F. Treaty Rights Protection

1. Commission Rule 350-81-052(2) requires developments reviewed using the expedited review process to comply with the following treaty rights protection guidelines:

- (a) *Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.*
- (b) *The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.*

The proposed addition will add antennas within an area previously disturbed and developed. The proposed addition will not affect or modify any treaty or other right of any Indian tribe. No substantive comments identifying treaty rights or concerns were received from Indian tribes during the comment period. Given this information, the proposed addition is consistent with Commission Rule 350-81-052(2).

Conclusion:

The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-81-052(2).

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