

DIRECTOR'S DECISION

APPLICANT: Mary Mattix

LANDOWNER: Mary Mattix

FILE NO.: C16-0002

REQUEST: This application is an after-the-fact review for the installation of a new septic system to serve the existing single-family dwelling on the subject property. The new system includes a new 1,094 gallon 2-chamber septic tank, 500 gallon lift station with a ½ horse power pump, 80-foot 3-bundle EZ Flow gravity drain field, extended sewer line from septic tank to drain field, and a septic tank water alarm.

LOCATION: The subject parcel is located at 474 Highway 141 in the SW ¼ of Section 11, Township 3 North, Range 10 East, W.M., Klickitat County, Washington (Klickitat County Parcel Number 03101100001100).

LAND USE DESIGNATION: The subject parcel is designated Large-Scale Agriculture and is in the General Management area and is 1.97 acres in size.

DECISION:

Based upon the following findings of fact, the land use application by Mary Mattix to install a new septic system to serve the existing single family dwelling is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the Management Plan for the Columbia River Gorge National Scenic Area, and 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 the Columbia River Gorge National Scenic Area Act, the Management Plan and Commission Rule 350-81:

1. **To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C16-0002, 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 document to the Executive Director at the Commission.**
2. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
3. No outdoor lighting is approved in this Director's Decision. Any future proposed outdoor shall be submitted for review and approval by the Executive Director prior to installation.

4. The applicant shall mitigate the loss of the 14 Oregon White Oak trees through the planting of native seed mixes on the disturbed, especially bare soil areas above the new drain field, and restore the remaining Oregon White Oak Habitat through the removal of noxious weeds and the thinning of young oaks, to be completed by a professional botanist, plant ecologist, or arborist. The applicant's professional shall provide a copy of the mitigation plan in advance of conducting any work. The mitigation plan shall describe the seed mix, the method of weed control and shall show a thinning map and describe the thinning project in detail sufficient for the Executive Director of the Gorge Commission to determine which trees will be thinned, which may include flagging trees for removal. The mitigation plan shall propose minimal ground disturbance and weed control without use of herbicides if possible. The Executive Director shall review and approve the mitigation plan in advance of any of the ground work. The mitigation shall be completed within 9 months of the date of this approval. The applicant shall notify the Gorge Commission for inspection upon completion.
5. 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.
6. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Executive Director, Indian Tribal governments and the Washington State Department of Archaeology and Historic Preservation and the Washington State Anthropologist shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
7. 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).

DATED AND SIGNED THIS 27 day of October 2016 at White Salmon, Washington.



Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:

Commission Rule 350-81-044 governs the expiration of this Director's Decision.

This decision of the Executive Director becomes void on the 27 day of October, 2018 unless construction has commenced in accordance with Commission Rule 350-81-044(4).

Commission Rule 350-81-044(4) specifies that commencement of construction means actual construction of the foundation or frame of the approved structure.

Construction must be completed within two years of the date that the applicant commenced construction. The date of the Executive Director's preconstruction inspection to confirm the location of proposed structural development as required by this decision shall be considered the date the applicant commenced construction, unless the applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant will need to complete all elements in this decision in accordance with Commission Rule 350-81-044. The Commission does not use different “commencement of construction” dates for different elements in this decision.

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable 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 on the 26 day of November, 2016.

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the date of this decision. Information on the appeal process is available at the Commission office.

NOTES:

Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application and review.

This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

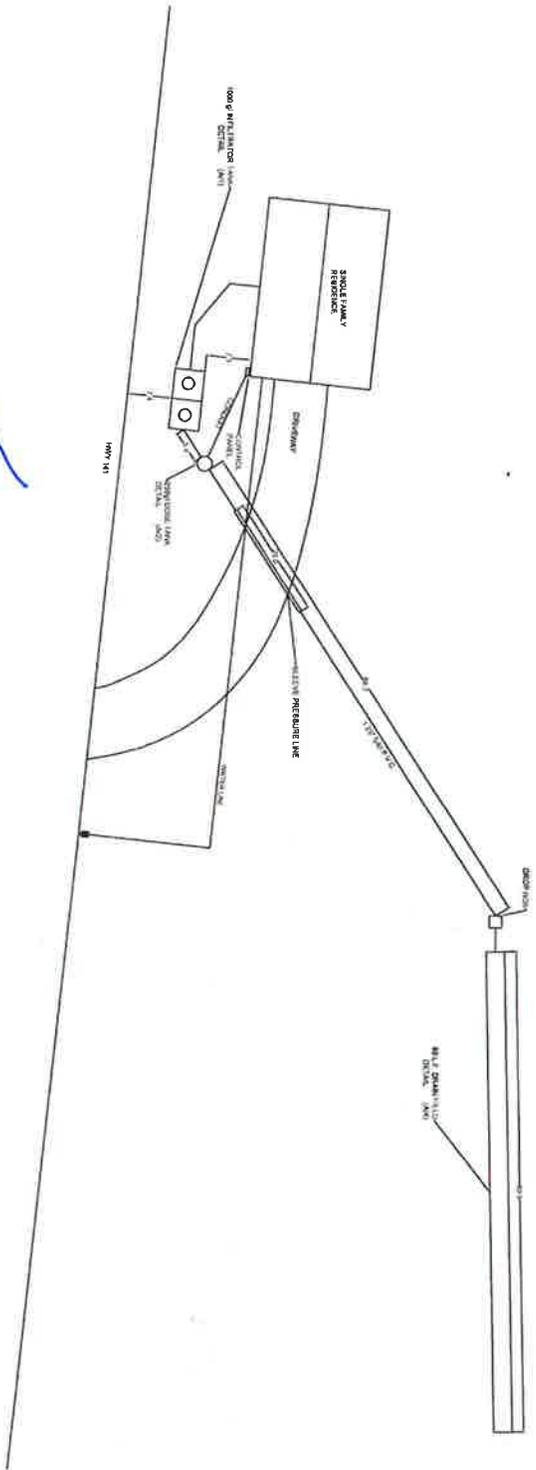
COPIES OF THIS DECISION SENT TO:

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
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Health Department
Klickitat County Auditor
Klickitat County Public Works
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Attachments:

Staff Report C16-0002
Approved Site Plan

RM
DEC0002.16



APPROVED
JMS

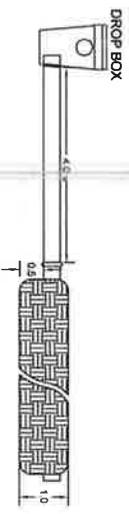
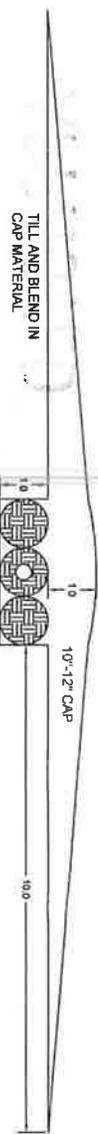
General Notes

No.	Revision/Issue	Date

SPEEDY SEPTIC
 AUSTIN & HILARY KENDRICK
 BOBING, OR 97209
 503-653-2807

MARY MATIX
 474 STATE HWY 141
 BRIDGEMOORE, WA

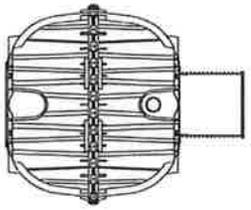
Project: 10-12-2015
 Date: 1" = 20'
3



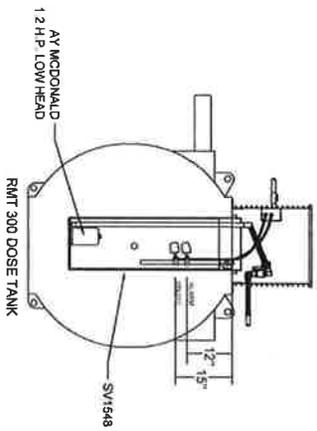
DETAIL: (A/3)



SECTION A - A'



END VIEW



DETAIL: (A/2)

TANK EXTERIOR	
LENGTH	127.0 [3226]
WIDTH	62.2 [1580]
HEIGHT	54.7 [1389]

LIQUID DEPTH	44.0 [1118]
INVERT DROP	3.0 [76]
FREEBOARD	10.2 [260]

TOTAL CAPACITY	1287 GAL [4,872 L]
WORKING VOLUME	1094 GAL [4,141 L]

DETAIL: (A/1)

General Notes

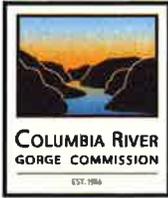
No.	Quantity/Notes	Date

SPEEDY SEPTIC
INSTALLATION, MAINTENANCE & REPAIR
 PO BOX 1260
 GOLDENDALE, WA 98026
 509-683-7807

MARY MATTIX
 474 STATE HWY 141
 GOLDENDALE, WA

10-12-2015

4



STAFF REPORT

APPLICANT: Mary Mattix

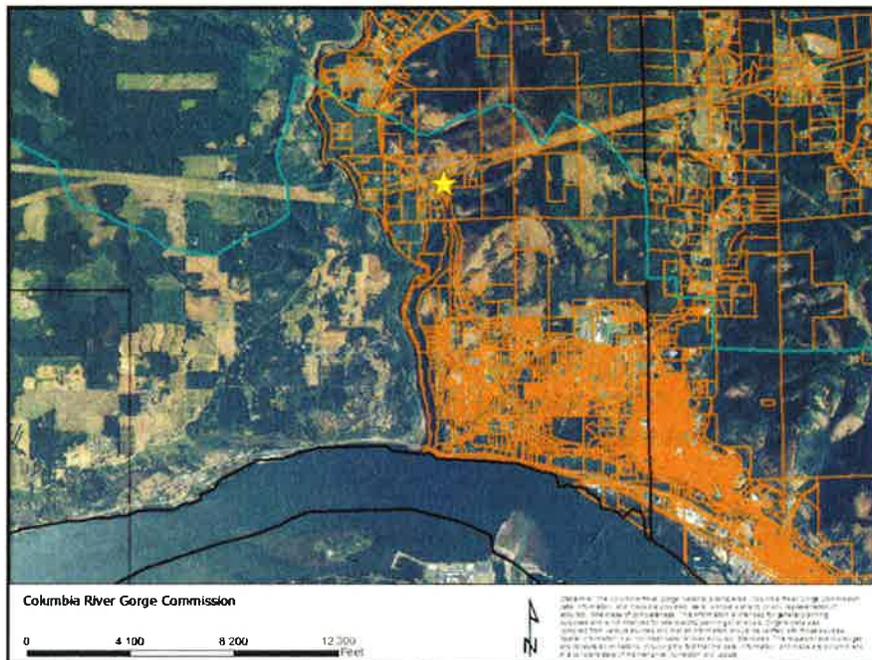
LANDOWNER: Mary Mattix

FILE NUMBER: C16-0002

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LAND USE DESIGNATION: The subject parcel is designated Large-Scale Agriculture in the General Management area and is 1.97 acres in size.



Aerial view of subject property

COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 500 feet of the subject parcel and the following individuals/agencies/governments:

Cowlitz Indian Tribe
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
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Health Department
Klickitat County Auditor
Klickitat County Public Works
U.S. Forest Service National Scenic Area Office
Friends of the Columbia Gorge
White Salmon Library
Washington Department of Fish and Wildlife

Written comments were received from Marge Dryden, the Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area; and Steven McCoy of Friends of the Columbia Gorge.

FINDINGS OF FACT:

The following application is for the after-the-fact review of a new septic system. The applicant, Mary Mattix, first came to the Gorge Commission in September 2015, and explained that her septic system had failed and that she needed to replace it or risk potential contamination on her property. The Klickitat County Health Department determined that the failure caused an imminent health hazard. The Gorge Commission Planner at the time, Terry Cullen, told the applicant that she could replace the failed septic system immediately, but that she needed to come back to the Commission within 30 days after the replacement to fill out a complete application and go through the development review process. The applicant submitted a site plan in October, and after several prompts, submitted a completed and signed application on January 22, 2016.

On January 26, 2016, Gorge Commission staff sent an e-mail inquiring about some of the dimensions on the submitted site plans. The applicant did not respond right away. After several prompts, the applicant's contractor, Duane Witter of Speedy Septic, came into the Commission Office on March 28, 2016 with the information that the Commission was seeking. The Commission accepted the application as complete on April 25, 2016.

Although this application is an after-the-fact review, Gorge Commission staff has reviewed the proposal and written the findings of fact as if the development was proposed.

A. LAND USE:

1. The subject parcel is approximately 1.97 acres in size and is rectangular (irregular) in shape. Vegetation consists of Oregon White Oak with varying density. The parcel is located at the base of a hill and is located just north of where Highway 141 South (W Jewett Blvd) meets Highway 141 Alt. Existing development consists of a single-family dwelling with an attached garage, built

around 1950. A vacant building is located on the eastern side of the parcel. The single-family dwelling in use is located near the southern edge of the parcel. The driveway begins at Highway 141 and curves slightly to the left connecting to the existing single-family dwelling and garage.

The existing single-family dwelling on the subject parcel is one-story, and has a finished area of 936 square feet. There is a 16-foot by 8-foot deck attached to the west side of the dwelling, as well as a 240-square foot garage attached to the northeast corner of the dwelling.

2. The applicant proposes to install a new septic system to replace the failed system serving the existing single-family dwelling. The new system will consist of a 1,094 gallon two-chamber septic tank, 500 gallon lift station with a half horse power pump, 80-foot 3-bundle EZ Flow gravity drain field, sewer line from septic tank to drain field, and a septic tank water level alarm.

The new location of the drain field required removing 14 Oregon White Oak trees and a field cap created with 10-12 inches of backfill.

3. The Land Use Designation map in the *Management Plan for the Columbia River Gorge National Scenic Area* designates the subject parcel as Large-Scale Agriculture in the General Management Area (GMA).
4. Commission Rule 350-81-190(1) specifies uses that may be allowed on lands designated large scale agriculture subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620). 350-81-190(1)(q) allows single family dwellings on lands designated Large-Scale Agriculture on parcels legally created and existing prior to November 17, 1986 not in conjunction with agricultural use. The home on the subject property was built around 1950, therefore, the subject property has a lawful residential use that pre-dates the National Scenic Area Act. Septic systems are an inherent part of single-family dwellings and go along with the existing residential use. This does not qualify as an addition, but as a repair to the existing single family dwelling because the new septic system has replaced the failing old septic system; however, because it is a larger size and in a different location, it does not qualify as "repair and maintenance, a use allowed without review.

CONCLUSION:

The proposed development is an allowed 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 350-81-520(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.

The proposed septic system is not considered as a new building or road, therefore Commission Rule 350-81-520(1)(a) is not applicable.

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

New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent possible.

There are no new buildings being proposed in this application. No existing development is being expanded; the existing sewer system failed and is being replaced with a new one.

3. Commission Rule 350-81-520(1)(d) requires a site plan to be submitted for proposals to construct new buildings.

This proposal is not for any new buildings. Nevertheless, the applicant submitted a site plan that shows the required elements and their locations in sufficient detail for adequate review. The notice materials for this application did include a copy of this site plan.

4. Commission Rule 350-81-520(1)(e) refers to the compatibility of the proposed development with the designated landscape setting. This is discussed below in Findings B.23 through B.26. Commission Rules 350-81-520(1)(f) and (g) apply only to mineral resource production and quarries, which are not proposed in this application.
5. Commission Rule 350-81-520(2)(a) states:

The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.

The subject property is topographically visible from Highway 141; therefore Commission Rule 350-81-520(2) is applicable.

6. Commission Rule 350-81-520(2)(b) states:

Each development shall be visually subordinate to its setting as seen from key viewing areas.

Commission Rule 350-81-020(170) defines visually subordinate as follows:

Visually subordinate: A description of the relative visibility of a structure where the structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.

Commission Rule 350-81-520(2)(c) states:

Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

The new development shall be visually subordinate to its surroundings as seen from Highway 141. The new septic system will not be visible except for a 10-12 inch cap of dirt over the new site of the drain field. The cap will initially contrast with the surrounding landscape until grass and vegetation grow back over the top of it. A condition of approval will require the applicant to plant a native seed mix above the location of the drain field.

Once the vegetation returns on the 10-12 inch dirt cap, it will blend into the surrounding landscape making it difficult to see and distinguish from the rest of the parcel as seen from Highway 141.

There will be no adverse cumulative effects from this proposal. Similar opportunities exist on surrounding parcels for the replacement of a failing sewer system and the installation of a new drain field. Overall, the new development will not add to the visual mass of development in the vicinity. Other similar actions by adjacent and nearby property owners would retain the visual quality of the vicinity as seen from key viewing areas.

7. Commission Rule 350-81-520(2)(d) states:

The extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.

(A) Decisions shall include written findings addressing the factors influencing potential visual impact, including but not limited to:

- (i) The amount of area of the building site exposed to key viewing areas.*
- (ii) The degree of existing vegetation providing screening.*
- (iii) The distance from the building site to the key viewing areas from which it is visible.*
- (iv) The number of key viewing areas from which it is visible.*
- (v) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).*

As described above, the property is only seen from Key Viewing Area Highway 141. It is visible in the foreground, for approximately 30 feet from this key viewing area. The existing dwelling predates the National Scenic Area Act and therefore did not require screening vegetation, although some does exist. The new sewer system is completely buried underground and will not be seen from Highway 141 except for the 10-12 inches of dirt cap above the new location of the drain field. As stated above, there will be a condition of approval requiring the planting of a native seed mix here, which once sprouted, will allow the cap to blend in with its surroundings to make all the new development visually subordinate.

8. Commission Rule 350-81-520(2)(d)(B) states:

(B) Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to:

- (i) Siting (location of development on the subject property, building and orientation, and other elements).*
- (ii) Retention of existing vegetation*
- (iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements).*
- (iv) New landscaping*

These standards are applied in other findings for compliance with other applicable standards. There is no need to apply additional conditions of approval specifically responsive to this rule.

9. Commission Rule 350-81-520(2)(e) states:

New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.

Visual subordination of the proposed development is addressed in the findings above. The siting of the new development is not within any buffer zones for the protection of any wetlands, riparian corridors, sensitive plants, sensitive wildlife or cultural resources.

10. Commission Rule 350-81-520(2)(f) states:

New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.

Excavation was required for the new septic system. The septic system was buried and filled back over with dirt. Existing topography was retained in all locations except for the location of the new drain field, which is covered with a 10-12 inch cap of dirt.

11. Commission Rule 350-81-520(2)(g) states:

Existing tree cover screening proposed development from key viewing areas shall be retained as specified in the Landscape Settings Design Guidelines in 350-81-520(3).

The applicant removed fourteen trees for the new drain field for the septic system. No past decision required retaining these trees to screen development on the subject parcel and the trees are not necessary to screen the underground septic system. The need to retain the trees is discussed below in the Landscape Settings portion of this staff report. Additionally, because the removed trees are Oregon White Oak, a sensitive species and which create habitat for sensitive wildlife species, this staff report discusses the removal of these trees in the natural resources section of this staff report.

12. Commission Rule 350-81-520(2)(l) states:

Unless expressly exempted by other provisions in 350-81-520, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval.

All proposed development within this application will be buried and hidden from all key viewing areas except for the 10-12 inch dirt cap. This is not a structure that will be able to be painted, and will meet visual compliance through a native seed mix instead of a paint color.

13. Commission Rule 350-81-520(2)(n) additional requirements for buildings visible within key viewing areas.

There are no new buildings being proposed in this application.

14. Commission Rule 350-81-520(2)(p) states:

Exterior lighting shall be directed downward and sited, hooded, shielded such that it is not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

There is no new exterior lighting being proposed in this application. Commission Rule 350-81-520(2)(p) is not applicable. A condition will be included in the Director's Decision that no outdoor lighting has been approved and that any future proposed outdoor lighting shall be submitted for review and approval by the Executive Director prior to installation.

15. Commission Rule 350-81-520(2)(q) refers to additions to existing buildings.

This application is not proposing any additions to existing buildings. This guideline is not applicable to the proposed development

16. The Landscape Settings map in the Management Plan classifies the subject parcel as Oak-Pine Woodlands. Commission Rule 350-81-520(3)(c) contains guidelines for new development in this landscape setting.

17. Commission Rule 350-81-520(3)(c)(B) lists guidelines for new development in portions of the Oak-Pine Woodland Landscape Setting visible from KVAs. Commission Rule 350-81-20(3)(c)(B)(i) and (ii) state:

- (i) *At least half of any tree species planted for screening purposes shall be species native to the setting. Such species included Oregon white oak, ponderosa pine and Douglas-fir.*
- (ii) *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

No new landscaping is required. All new development will be below ground and hidden from all key viewing areas.

18. Commission Rule 350-81-520(3)(c)(B)(iii) applies to new development in portions of the Oak-Pine Woodland Landscape Setting visible from KVAs that are substantially wooded. Commission Rule 350-81-520(3)(c)(B)(iii) states:

- (iii) *Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.*

Approximately fourteen trees were cut down for the new location of the drain field for the septic system. The trees that were removed did not screen any development from key viewing areas.

CONCLUSION:

With a condition reminding the applicant that new outdoor lighting requires review and approval, the proposed development is consistent with applicable guidelines in Commission Rule 350-81-520 that protect scenic resources from adverse effects.

C. CULTURAL RESOURCES:

1. Commission Rule 350-81-052(b) includes the following cultural resource protection criteria:

(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).

Marge Dryden, the Heritage Resources Program Manager for the National Scenic Area, reviewed the proposed undertaking and area of potential effect and came to the conclusion that Cultural Resource Reconnaissance Survey and a Historic Survey were not required.

(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.

CONCLUSION:

With conditions to protect unknown cultural resources and human remains discovered during construction, the proposed development is consistent with the guidelines in Commission Rule 350-81-540 that protect cultural resources in the National Scenic Area from adverse effects.

D. RECREATION RESOURCES:

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

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

No recreation sites or facilities exist on parcels that are adjacent to the subject parcel, consistent with Commission Rule 350-81-052(1)(c).

CONCLUSION:

The proposed development is consistent with applicable recreation resource guidelines in Commission Rule 350-81-086 that protect recreation resources from adverse effects.

E. NATURAL RESOURCES:

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).

2. The subject parcel is within 1,000 feet of an intermittent stream. There are no wetlands, ponds, lakes, or riparian areas on the subject parcel or within 1,000 feet of the proposed development.

The subject property contains Oregon White Oak, which is a sensitive species that provides habitat for sensitive wildlife. The applicant did not inform the Commission that she would need to remove Oregon White Oak when she asked permission to replace her septic system before submitting a development review application. Commission staff discovered that the trees were removed when conducting a post-construction site visit. Staff observed a pile of trees and asked the applicant the species and about their removal.

Commission staff then consulted with Emelie McKain, biologist with the Washington Department of Fish and Wildlife about the stream and the removal of the Oregon White Oak. Ms. McKain determined that there is enough of a buffer from the subject development to the stream and recommended a mitigation approach of replanting the trees lost at a ratio of 2:1. However, due to the limited amount of available space on the subject parcel, there will not be enough space for new trees at a ratio of 2:1 to be replanted.

Although the applicant is responsible for developing a mitigation plan, Gorge Commission staff contacted the Underwood Conservation District to discuss a mitigation plan. Commission staff did a site visit to the subject parcel with Tova Tillinghast of the Underwood Conservation District. Ms. Tillinghast advised that the next best mitigation approach would be to plant a native seed mix on all disturbed areas, specifically those exposing bare soil, and by restoring the existing oak habitat through the removal of noxious weeds and the thinning of young oaks by a professional.

A condition will be included in the director's decision to require native seed mix to be planted and for the existing oak to be managed.

CONCLUSION:

With a condition for mitigation for the removal of 14 Oregon White Oak trees, the development is consistent with applicable resource guidelines in Commission Rule 350-81-560 through 350-81-590 that protect natural resources from adverse effects.

F. TREATY RIGHTS PROTECTION:

1. Commission Rule 350-81-084(1) provides protection of Tribal treaty rights from new development in the National Scenic Area. Commission Rule 350-81-084(1)(a) lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on April 26, 2016.
2. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when those governments submit substantive written comments. No substantive comments were

received. Given this information, the proposed development is consistent with Commission Rule 350-81-084(1)(b).

3. Commission Rule 350-81-084(c)(B) states:

The treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

The subject property does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no substantive treaty rights concerns were raised by the tribal governments. Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(c)(B).

CONCLUSION:

The proposed development is consistent with the guidelines in Commission Rule 350-81-084, which provides protection for treaties and any other rights of any Indian tribe.

cc: Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation
Nez Perce Tribe
Marge Dryden, US Forest Service National Scenic Area
Klickitat County Planning
Klickitat County Building
Klickitat County Health
Klickitat County Public Works
Klickitat County Auditor
Friends of the Columbia Gorge

RM
FIND0002.16