

DIRECTOR'S DECISION

APPLICANT: AT&T Mobility

APPLICANT AGENT: Alexandra David for Jeffrey Rome and Associates

LANDOWNER: Wendy Jaekel and Scott Hall

FILE NO.: C16-0004

REQUEST: To remove three existing microwave antennas, (two from the existing lattice tower and one on the existing monopole), and to add a new 4-foot microwave antenna to the existing monopole, two runs of CAT-5E cables inside a new innerduct, and two new ODUs.

LOCATION: The subject parcel is located atop Haystack Butte in the SE ¼ of Section 3, Township 2 North, Range 15 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID # 02150300000600).

***Please note that half of the subject existing telecommunications facility is in Section 3 and the other half in Section 10 according to a 2015 survey done by David Evans and Associates.**

LAND USE

DESIGNATION: The subject parcel is approximately 71.40 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 C16-0004, the land use application to install two new antennas and associated support structures to an existing communications facility, is consistent with the purposes of the Columbia River Gorge National Scenic Area Act (Act) and the standards in Section 6 of the Act, 16 U.S.C. §§ 544(a), 544(d), the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and Commission Rule 350-81, and is hereby approved with conditions.

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, and the Management Plan and approvable under Commission Rule 350-81.

- 1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report, 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 and site plan. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
3. The exterior of the antennas shall have finishes with low reflectivity, and be painted or treated to be a light grey matte earth-tone color. Any changes to the colors must first be submitted to the Executive Director for review and approval before installation.
4. No outdoor lighting is approved in this Director's Decision. Any future proposed outdoor lighting shall be submitted for review and approval by the Executive Director prior to installation.
5. All access to the telecommunication tower site shall be utilized by Rattlesnake Road only. The applicant and contractors shall refrain from pulling off Rattlesnake Road until they reach the fenced telecommunications site. The applicant shall use Rattlesnake Road "as-is" and shall not utilize blading or modifying the existing road.
5. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicant or owner 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.
6. If human remains are discovered during construction activities, all construction 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.
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.

DATED AND SIGNED this 9 day of August, 2016 at White Salmon, Washington.


Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 9 day of August, 2018.

Commission Rule 350-81-044(6) allows the Executive Director discretion to grant an extension of the validity of a development approval. A request shall be submitted in writing prior to the expiration of the approval. The Executive Director may grant an extension if he determines that conditions for which the applicant was not responsible 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 on the 8 day of September, 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.

LIMITS OF DECISION:

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.

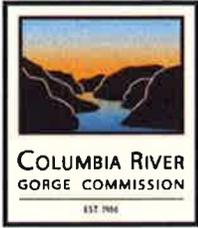
COPIES OF THIS DECISION SENT TO:

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
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

Attachments:

Staff Report C16-0004
Approved Site Plan

RM
DEC0016.0004



FACTS AND FINDINGS COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

APPLICANT: AT&T Mobility

APPLICANT AGENT: Alexandra David of Jeffrey Rome and Associates

LANDOWNER: Wendy Jaekel and Scott Hall

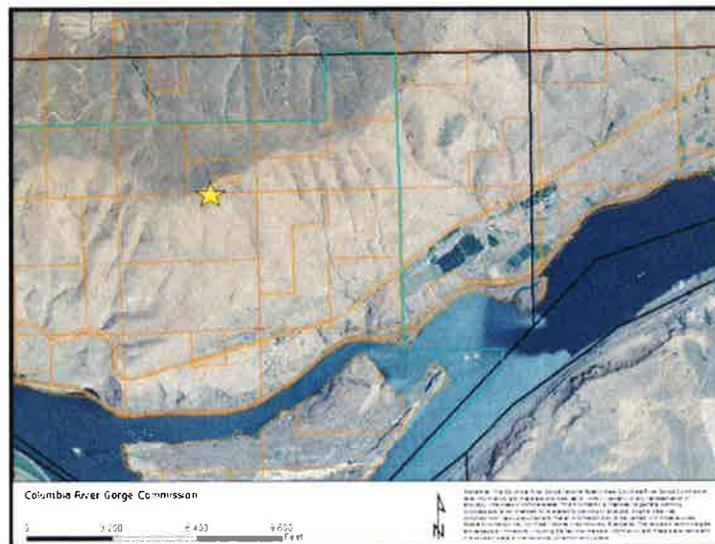
FILE NO.: C16-0004

REQUEST: The Columbia River Gorge Commission received an application to remove three existing microwave antennas, (two from the existing lattice tower and one on the existing monopole), and to add a new 4-foot microwave antenna to the existing monopole, two runs of CAT-5E cables inside a new innerduct, and two new ODUs.

LOCATION: The subject parcel is located atop Haystack Butte in the SE $\frac{1}{4}$ of Section 3, Township 2 North, Range 15 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID # 02150300000600).

***Please note that half of the subject existing telecommunications facility is in Section 3 and the other half in Section 10 according to a 2015 survey done by David Evans and Associates.**

LAND USE DESIGNATION: The subject parcel is approximately 71.40 acres in size and is designated Large-Scale Agriculture in the General Management Area.



Aerial View of Parcel 02150300000600.

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 Marge Dryden, the Heritage Resources Program Manager for the National Scenic Area, and from Steven McCoy of the Friends of the Columbia Gorge.

FINDINGS OF FACT:

A. LAND USE

1. AT&T Mobility has applied to remove three existing microwave antennas, (two from the existing lattice tower and one on the existing monopole), and to add a new 4-foot microwave antenna to the existing monopole, two runs of CAT-5E cables inside a new innerduct, and two new ODUs.
2. The project will add to an existing telecommunications facility on Haystack Butte, northeast of Wishram, Washington. The existing facility is located on a 71.40 acre parcel designated as Large-Scale Agriculture in the General Management Area (GMA).
3. Commission Rule 350-81-182 allows uses listed in "Expedited Review Process" (Commission Rule 350-81-050) on lands designated as 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.

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 antenna and associated 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 Haystack Butte at an approximate elevation of 2,925 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: including SR 14, the Columbia River, I-84, all of which are located at much lower elevations. The site is set back from the bluff, and as viewed from the KVAs, the crest of the bluff provides some topographic screening for the bottom 20 feet of the tower and communications shelters. As described in Finding A.1 above, the antenna will be mounted 19 feet above ground; it will be relatively small, and because of its size and the distance from which it will be viewed, it is unlikely to be seen by the casual observer. In past scenic resource impact analyses for communications equipment, it has been found that light grey earth-tone color antennas, whose surrounding landscaped is comprised of the sky, are visually subordinate because they blend in to the lighter colored sky. The proposed antenna will be a matte grey as proposed by the applicant. The two runs of cables and two new ODUs will not be topographically visible from any Key Viewing Areas and therefore will not be required to be painted a light grey 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 designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

The proposed development is located northeast of Wishram, Washington, over a mile north of State Route 14. It 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 the applicable guidelines for the protection of scenic resources in Commission Rule 350-81-052.

A. 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 review process.

Marge Dryden, the Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on July 11, 2016. 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).

In a prior cell tower application on Haystack Butte, both the Yakama Nation and Marge Dryden stressed the importance of using the existing road, Rattlesnake Road, as is. The same condition will be included for this application to ensure that the applicant and all contractors use the road as-is and refrain from pulling off of the road until they reach the fenced telecommunications site. The proposed addition is consistent with the natural resource protection measures in Commission Rule 350-81-052(1)(d)(B).

CONCLUSION:

With conditions to use the existing access road "as-is", and 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).

B. 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 to be located outside of 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.

There are no wetlands, streams, rivers, lakes, or ponds located on the subject parcel.

All development proposed within this application will be occurring on an existing tower on a site that has been previously disturbed and regularly maintained. Commission Rule 350-81-052(1)(d) is not applicable to this application.

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.

C. 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 development will swap out an existing microwave dish for a new one and add an additional remote radio unit behind the new microwave dish on an existing tower within an area previously disturbed and developed. The proposed additions 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:

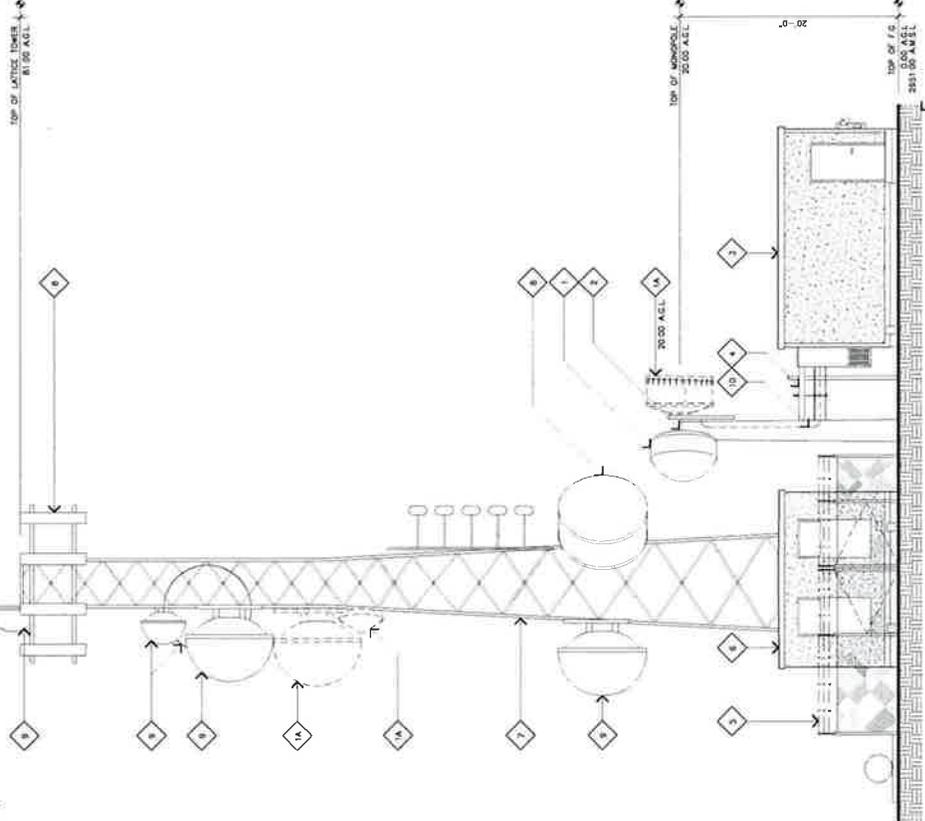
The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-81-052(2).

RM
FIND0004.16

APPROVED
tw

EXISTING ELEVATION KEYNOTES

- 1 (E) AT&T ANTENNAS MOUNTED TO (E) MONOPOLE
- 2 (E) OTHER CARRIER EQUIPMENT SHELTER
- 3 (E) LATTICE TOWER
- 4 (E) AT&T ANTENNAS MOUNTED TO (E) LATTICE TOWER
- 5 (E) OTHER CARRIER ANTENNAS MOUNTED TO (E) LATTICE TOWER
- 6 (E) MONOPOLE
- 7 (E) AT&T EQUIPMENT SHELTER
- 8 (E) AT&T CABLE BRIDGE
- 9 (E) CHAIN LINK FENCE ENCLOSURE



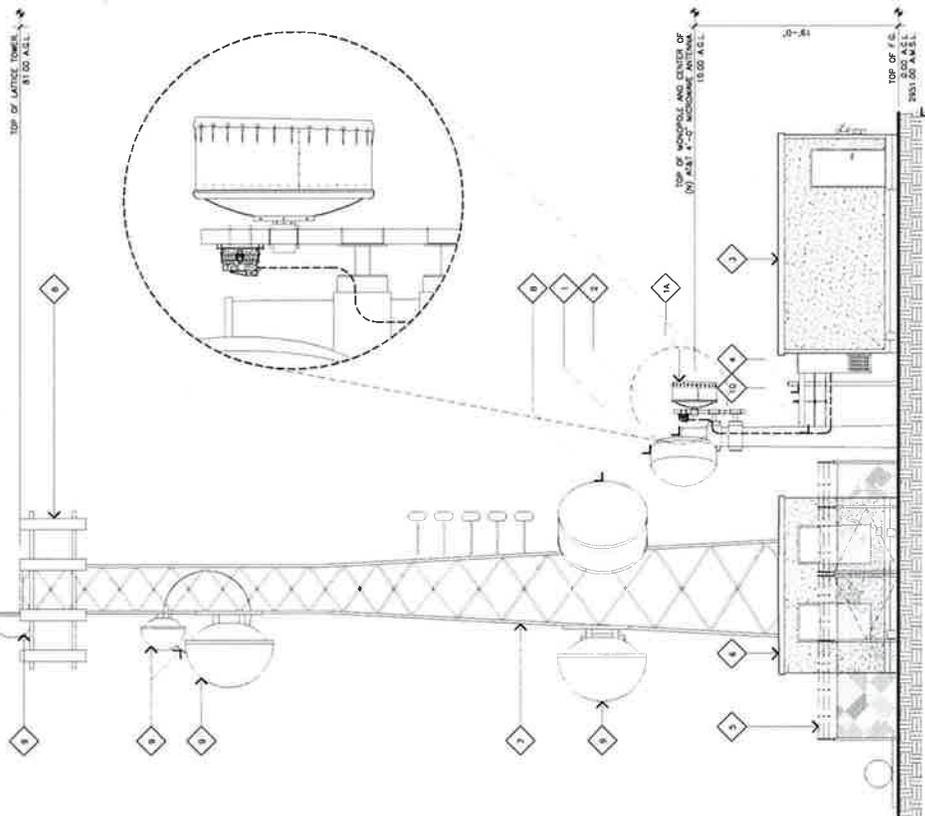
EXISTING SOUTHWEST ELEVATION

SCALE: 3/16"=1'-0"

2

PROPOSED ELEVATION KEYNOTES

- 1 (E) AT&T ANTENNAS MOUNTED TO (E) MONOPOLE
- 2 (E) OTHER CARRIER EQUIPMENT SHELTER
- 3 (E) LATTICE TOWER
- 4 (E) AT&T ANTENNAS MOUNTED TO (E) LATTICE TOWER
- 5 (E) OTHER CARRIER ANTENNAS MOUNTED TO (E) LATTICE TOWER
- 6 (E) MONOPOLE
- 7 (E) AT&T EQUIPMENT SHELTER
- 8 (E) AT&T CABLE BRIDGE
- 9 (E) CHAIN LINK FENCE ENCLOSURE
- 10 (E) AT&T ANTENNAS MOUNTED TO (E) LATTICE TOWER
- 11 (E) OTHER CARRIER ANTENNAS MOUNTED TO (E) LATTICE TOWER
- 12 (E) MONOPOLE
- 13 (E) AT&T CABLE BRIDGE
- 14 (E) CHAIN LINK FENCE ENCLOSURE



PROPOSED SOUTHWEST ELEVATION

SCALE: 3/16"=1'-0"

1

PREPARED FOR



PROPRIETARY INFORMATION
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APPROVALS

ANTIA JEN	10/23/15
BOB COS	DATE
ANTIA JEN	12/17/15
BOB COS	DATE
ANTIA JEN	04/20/16
BOB COS WITH STRUCTURAL	DATE
KENNETH PETERS	10/28/15
CONSTRUCTION	DATE
SITE ACQUISITION	DATE

PROJECT NAME
MICROWAVE UPGRADE
SITE NAME
HAYSTACK BUTTE
PROJECT NUMBER
10092226

ADJACENT TO THE BURJUNCTION
CROSSROADS WASHINGTON 98013

DRAWING DATES
10/23/15 (PL-001)
12/17/15 (PL-002, PL-003, PL-004)
04/20/16 (PL-005, PL-006, PL-007, PL-008)
05/12/16 (COUNTY COMMENTS (PL-009))

SHEET TITLE

EXISTING & PROPOSED ELEVATIONS

A-2