

DIRECTOR'S DECISION

- Proposal:** The Columbia River Gorge Commission received an application to use an existing surface mine site for disposal of natural materials removed during road maintenance activities and to restore the site. Restoration includes depositing rock and earth material to restore surface elevations to the original site conditions over time and planting of 60 ponderosa pine trees.
- Applicant:** Barbara Aberle for Washington State Department of Transportation (WSDOT)
- Landowner:** WSDOT
- Location:** The subject parcels are located in Sections 30 and 31, Township 3 North, Range 12 East, Klickitat County, Washington. Klickitat County Parcel Numbers 0312300000500 and 03123100000300.
- Case File:** C17-0004
- Zoning:** The subject property is designated Special Management Area-Agriculture and Special Management Area-Open Space. Parcel 0312300000500 is 12.01 acres and parcel 03123100000300 is 10.99 acres.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C17-0004, the land use application by WSDOT to use an existing surface mine site for disposal of natural materials removed during road maintenance activities and restore the 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 C17-0004, and approved site plan, grading plan, and reclamation 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; and obtain necessary approvals.
3. Any new land uses, structural development, or grading not included in the approved application or

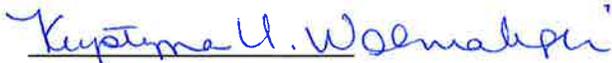
site plan will require a new application and review.

4. The project shall occur as shown on the approved project description, site plan, and reclamation plan. Any changes must be reviewed and approved by the Executive Director before the changes are implemented.
5. Existing trees on the subject parcel and applicant-owned parcel #03123100000300 to the south, between the development, SR 14, and other KVAs shall be retained in their existing condition, not cut or limbed.
6. The applicant shall plant 60 conifer trees as indicated on the restoration plan. Trees shall be native species, such as ponderosa pine, planted in a natural pattern of tree groups and spacing. The trees shall be installed as soon as practicable and prior to project completion. Following restoration of surface elevations, disturbed areas shall be seeded in accordance with the restoration plan any disturbed vegetation replanted. The applicant is responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.
7. All outdoor lights shall be directed downward, hooded, and shielded so as not to be highly visible as seen from SR 141. If outdoor lights are proposed on the subject parcel, the applicant shall submit the proposed design and placement of the lights to the Gorge Commission for the review and approval of the Development Review Officer to ensure consistency with applicable Commission rules.
8. In the event of inadvertent discovery of cultural resources or discovery of human remains, the procedures outlined in the March 24, 2017 letter provided by Marge Dryden, Heritage Program Manager, U.S. Forest Service, Columbia River Gorge National Scenic Area Office, shall be followed, including notification of the State Physical Anthropologist Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov.
9. If cultural resources are discovered during operational 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. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
10. If human remains are discovered during operational 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.
11. The disposal site and all operational activities shall be setback a minimum of 200 feet from Major Creek and 50 feet from the unnamed tributary to the west of the disposal site.
12. The applicant shall implement the unnamed tributary crossing requirements included in the WDFW Hydraulic Project Approval.
13. Only natural materials, clean and weed-free to the greatest extent practicable, shall be disposed of

at the site. Debris from vehicle accidents or containing oils or hazardous materials shall be properly disposed of at an appropriate alternative facility.

14. The applicant shall minimize the area of disturbance and soil movement, including utilizing the most direct route in and out of the disposal site. Best management practices shall be implemented to control the spread of non-native and weedy plant species and to control soil erosion and stream sedimentation.
15. Rock faces shall be avoided during proposed storage of slide debris within the proposed disposal pit site. Slide material can be placed on the floor of the disposal pit site, but shall not be pushed up against the walls of the site.
16. Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover. The applicant shall schedule a site inspection with a member of the Columbia River Gorge Commission staff to verify this condition has been met.

DATED AND SIGNED THIS 24 day of May, 2017 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 24 day of May, 2019 unless the use has commenced in accordance with Commission Rule 350-81-044(2).

Commission Rule 350-81-044(2) specifies that approval of the use or development shall expire two years after the date that the land use approval was granted must, unless the use or development was established according to all specifications and conditions of approval in the land use approval.

The applicant may request one 12-month extension of the land use approval for commencement of the use 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 commence the use, the applicant shall specify the date that the use 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 the 23 day of June, 2017.

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, structural development, or grading not included in the approved application or site plan will require a new application and review.

Attachments:

Staff Report for C17-0004

Approved site plan, grading plan, and reclamation plan

March 24, 2017 letter provided by Marge Dryden, Heritage Program Manager, U.S. Forest Service, Columbia River Gorge National Scenic Area Office