

**FACTS AND FINDINGS
COLUMBIA RIVER GORGE COMMISSION STAFF REPORT**

APPLICANT: Barbara Aberle for Washington State Department of Transportation (WSDOT)

LANDOWNER: WSDOT

FILE NO.: C17-0004

REQUEST: Application to use an existing surface mine site for disposal of natural materials removed during road maintenance activities. Rock and earth will be deposited to restore surface elevations to the original site conditions over time and 60 ponderosa pine trees will be planted.

LOCATION: The subject parcels are located in Sections 30 and 31, Township 3 North, Range 12 East, Klickitat County, Washington (Klickitat County Parcel Numbers 03123000000500 and 03123100000300).

LAND USE DESIGNATION: The subject parcels are located in Special Management Areas and designated Agriculture and Open Space. Parcel 03123000000500 is 12.01 acres and parcel 03123100000300 is 10.99 acres.

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
- Friends of the Columbia Gorge
- Klickitat County Planning Department
- Klickitat County Building Department
- Klickitat County Health Department
- Klickitat County Assessor
- Nez Perce Tribe
- Skamania County Planning Department
- U.S. Forest Service National Scenic Area Office
- Washington Department of Fish and Wildlife
- Washington Natural Heritage Program
- Washington Department of Archaeology and Historic Preservation
- White Salmon Library

Comments were received from Steve McCoy, Friends of the Columbia River Gorge; Marge Dryden and Robin Shoal, U.S. Forest Service National (USFS) Scenic Area; Amber Johnson, Washington Department of Fish and Service (WDFW); and Jasa Holt, Washington Natural Heritage Program. Klickitat County Environmental Health replied with no concerns. The comments received are addressed in the following findings of fact.

BACKGROUND:

The applicant, WSDOT, began pre-application consultation with the Gorge Commission Office in July 2015. Staff deemed the application complete under Section 35-81-030 of Commission Rules and noticed for public comment on March 10, 2017. The application submittal included: Reclamation Plan, Cultural Resources Memo, Sensitive Resources Documentation, and findings addressing the Siting Standard and Scenic Resources Standard, as required. Staff conducted a site visit on February 2, 2017 to verify existing conditions of the site.

FINDINGS OF FACT:

A. LAND USE

1. The subject parcels are 12.01 and 10.99 acres, located in the Special Management Area (SMA) and is designated Agriculture and Open Space.
2. WSDOT is currently using the site as a temporary stockpile location.
3. The site was previously used as a surface mine, which was permitted in 1977 through the Washington Department of Natural Resources (DNR). The DNR surface mine permit terminated on March 28, 2012. WSDOT presented a determination from DNR indicating that the site was sufficiently reclaimed, given the intended continuation of disposal activities on the site. Additional reclamation steps would have been required in the event that all activities were to cease.
4. SR 14 in the project area consists of unstable slopes resulting in rock fall debris accumulation on the roadway. The existing Major Creek Quarry site is located near areas that produce a high amount of rock fall debris. The proposal includes use of an existing surface mine site for disposal of natural materials removed during road maintenance activities within the Columbia River Gorge. The Project site will be a clean earth disposal site, filled with native rock and material collected along state routes within the Columbia River Gorge. Reclamation of the site, including grading and revegetation, will occur in stages as native material becomes available through maintenance activities. The fill material will be strategically deposited to restore surface elevations to the original site conditions and contours over time. An existing grass berm will be planted with native trees, consisting of 60 ponderosa pines.
5. The site will be accessed via an existing access road from State Route (SR) 14 through the southwest corner of parcel #03123100000300. The existing quarry haul road to the east of the Project area will not be used.
6. All disposal activities will be located within the SMA Agriculture area. There will be no impacts to the SMA Open Space area.
7. The Gorge Commission's Land Use Ordinance (350-81), Section 190(1), lists the review uses that may be allowed on lands designated SMA Agriculture, subject to compliance with scenic, cultural, natural, and recreation resources guidelines of the Commission Rule 350-81, Sections 520 through 620. The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock.

The disposal site would be located within a site previously used as quarry and accessed via an existing access road. The site consists of open grassland, talus slope, bare rock vertical cliff/bluff, and piles of imported rock, soil, and wood debris.

The soil on the subject parcel consists of rock outcrop-haploxerolls complex, 0 to 30 percent slopes (8.2 acres), and rock outcrop-rubble land-haploxerolls complex, 30 to 90 percent slopes (3.7 acres), both with a capability classification of 8s. Class 8 soils have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes. The subclass "s" indicates that the soil is limited because it is shallow, droughty, or stony. Soils are rated by the NRCS for potential range production and the Web Soil Service provides pasture yields expressed in terms of animal unit months (AUM)¹. Pastureland or AUM data is not available for the subject parcel; however, range production data is available². The rock outcrop-haploxerolls complex soil on the site is capable of producing 240 pounds per acre per year (1,968 pounds for the parcel per year) during a normal year. The rock outcrop-rubble land-haploxerolls complex soil on the site is capable of producing 200 pounds per acre per year during a normal year (740 pounds for the parcel per year). The subject parcel is therefore capable of sustaining two cows or cow/calf pairs per year. However, the parcel is only 12.01 acres and is too small to be managed for livestock grazing independently of other parcels.

The soil type and limited water-holding capacity would constrain the season of available forage on the subject parcel to two months of the year. A majority of site also consists of talus slope, bare rock, and piles of rock and soil further limiting grazing capacity. The soils on the site are not suitable for cultivation. While the site could be minimally grazed, its small size, low capacity for range production, and limited season for that use make it unsuitable for livestock grazing.

As the site has been previously disturbed, is not in agricultural use, is not suitable for cultivation and has limited capacity and size for grazing, the proposed use would not result in a loss of land suitable for the production of agricultural crops or livestock.

8. Commission Rule 350-81-190(2)(aa) allows "Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (350-81-106)."

The proposed disposal site is an allowed use, consistent with Commission Rule 350-81-190(2)(aa).

Conclusion:

The subject parcel is designated Agriculture. A disposal site may be allowed on the parcel if all of the criteria listed in Commission Rule 350-81-190(2)(aa) are satisfied, and the disposal site will not adversely affect scenic, cultural, natural, or recreation resources.

¹ An AUM is the amount of forage (790 to 1,000 pounds of dry matter) required by one mature cow of approximately 1,000 pounds, with or without a calf, for 1 month.

² Total range production is the amount of vegetation that can be expected to grow annually in a well-managed area that is supporting the potential natural plant community. It includes all vegetation, whether or not it is palatable to grazing animals.

The proposed disposal site would be managed and operated by WSDOT for disposal of natural materials removed during road maintenance activities. The disposal site is an allowed use, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (350-81-106) and scenic, cultural, natural, and recreation resources guidelines of the Commission Rule 350-81, Sections 520 through 620.

B. Disposal Sites

1. In addition to other applicable submittal requirements, Commission Rule 350-81-106(1) requires applications to include:
 - (a) A reclamation plan that provides all the applicable information specified in 350-81-520(1)(f)(A) through (E), except: (1) the words "pre-disposal" and "post-disposal" should replace the words "pre-mining" and "post-mining" and (2) the appropriate state agency or local government does not have to approve the reclamation plan.
 - (b) Perspective drawings of the site as seen from key viewing areas as specified in 350-81-520(2)(o).
 - (c) Cultural resource reconnaissance and historic surveys, as required by 350-81-540(1)(c)(A) and (B), respectively. Disposal sites shall be considered a "large-scale use" according to 350-81-540(1)(c)(C).
 - (d) Field surveys to identify sensitive wildlife areas or sites and sensitive plants as described in 350-81-580(2) and 350-81-590(2).

The applicant submitted a reclamation plan, perspective views, Cultural Resources Review, Biological Evaluation, and Rare Plants Technical Memo consistent with Commission Rule 350-81-106(1). Commission Rule 350-81-106(1)(a) and (b) are addressed in Sections C and D, Commission Rule 350-81-106(1)(c) addressed in Section E, and Commission Rule 350-81-106(1)(f) is addressed in Section F below.

2. Commission Rule 350-81-106(2) states, "The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the Scenic Area or inside an Urban Area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the Scenic Area and inside an Urban Area."

In accordance with Commission Rule 350-81-106(2), the applicant submitted an analysis comparing the proposed disposal site (Major Creek Quarry) to two other state owned clean earth disposal sites and the purchase of a third additional site in White Salmon, WA. The White Salmon site was ruled out due to the high land cost and low availability of undeveloped land in the urbanized area. A comparable 10-acre site found was valued at \$60,000 per acre. Locating the site outside of the commercial and residential area would result in a significant travel distance in addition to the high land cost. The other two sites considered were located at SR 197 MP 2.80 near

Dallesport, WA and SR 141 MP 7.60 in Husum, WA. The site evaluation criteria and rating are shown in Table 1.

Table 1: Site Evaluation

Site Location	Visual Impacts	Operational Performance	Public Safety	Air Quality	Initial Cost	Operational Cost
Major Creek SR 14 MP 72.64	Med	High	High	High	High	High
SR 197 MP 2.80	Med	Low	Med	Med	High	Low
SR 141 MP 7.6	Med	Low	Med	Med	High	Low
New Site in Urban Area	Med	Low	Med	Med	Low	Low

Rating guide: High=favorable compared to other sites, Medium=Neutral compared to other sites, Low=inferior compared to other sites.

Table 1 shows that the proposed site ranks higher than the other sites. Further, based on the evaluation, the applicant concluded that there is a mutual opportunity for WSDOT Maintenance crews to use the Major Creek Quarry site as a waste site for rock fall debris that would benefit the surrounding landscape in the long term. The existing quarry site at Major Creek has significant man made rock cuts that could be blended back to original ground conditions utilizing rock fall debris from the nearby SR 14 clean-up activities. The use of Major Creek site would also reduce fuel costs and emissions due to its close proximity to the rock fall debris generators/unstable slopes.

Based on the applicant’s analyses, the proposed site provides the greatest ease of access and proximity to rock debris on SR 14 relative to the other sites. The close proximity of the proposed site to SR 14 increases public safety by increasing the rate of access and removal of rock debris, as well as reducing the related truck travel on public roads. The close proximity also reduces air emissions associated with truck travel. Finally, as the site is already established and owned by the applicant, the associated costs are low. Based on this information, the proposed site is the most practicable location.

3. Commission Rule 350-81-106(3) requires disposal sites to comply with the same scenic resources protection standards as expansion of existing quarries and production and/or development of mineral resources in the General Management Area (GMA), including, but not limited to:
 - (a) Sites more than 3 miles from the nearest key viewing area shall be visually subordinate as seen from any key viewing area, according to 350-81-520(2)(bb).
 - (b) Sites less than 3 miles from the nearest key viewing area shall be fully screened from any key viewing area, according to 350-81-520(2)(cc).
 - (c) Reclamation plans shall restore the site to a natural appearance that blends with and emulates surrounding landforms and vegetation patterns to the maximum extent practicable.

The applicant provided a Scenic Resource Standards report, in accordance with Commission Rule 350-81-106(3). The report assesses visibility from the following key viewing areas (KVAs).

KVAs more than three miles from the proposed site include:

- Tom McCall Point (Nature Conservancy Viewpoint)
- Rowena Plateau

KVAs within three miles of the site include:

- SR 14

- County Road (CR) 1230/Old North Bank Highway 8 (Old Washington SR 14)
- Historic Columbia River Highway
- Interstate 84 (I-84) Eastbound
- I-84 Westbound
- Memaloose State Park (rest stop along I-84)

Additionally, the applicant provided a reclamation plan, in accordance with Commission Rule 350-81-106(3)(c).

The requirements of Commission Rule 350-81-106(3) are addressed in Section C below.

Conclusion:

The applicant has submitted the documentation required under Commission Rule 350-81-106. Commission Rule 350-81-106(3) requirements have been satisfied as demonstrated under Section C below.

C. GMA SCENIC RESOURCES

The proposed disposal site is within the SMA; therefore, Commission Rule 350-81-530 applies and is addressed in Section D below. However, as included under Section D above, Commission Rule 350-81-106(3) requires disposal sites to comply with the same scenic resources protection standards as expansion of existing quarries and production and/or development of mineral resources in the GMA. Therefore, applicable sections of Commission Rule 350-81-520 are addressed below.

1. Commission Rule 350-81-520(1)(f) states that for all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable. At a minimum, such reclamation plans shall include:
 - (A) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.
 - (B) Cross-sectional drawings of the site showing pre-mining and post-mining grades.
 - (C) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.
 - (D) Description of drainage/erosion control features to be employed for the duration of the use.
 - (E) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

The applicant has provided a reclamation plan, consistent with Commission Rule 350-81-520(1)(f).

2. Commission Rule 350-81-520(2)(o) requires applicants to submit perspective drawings of the proposed mining areas as seen from applicable key viewing areas.

The applicant has submitted existing and proposed perspective views of the disposal site as seen from applicable KVAs, consistent with Commission Rule 350-81-520(2)(o).

3. Commission Rule 350-81-520(2)(aa) states, "All proposed structural development involving more than 200 cubic yards of grading on sites visible from key viewing areas shall include submittal of a grading plan. This plan shall be reviewed by the local government for compliance with key viewing area policies..."

The proposal does not include structural development and therefore, Commission Rule 350-81-520(2)(aa) does not apply; however, the applicant has submitted a grading plan consistent with Commission Rule 350-81-520(2)(aa).

In association with the proposed disposal activities and reclamation efforts, native fill material would be used to restore surface elevations to near original conditions over the duration of the project. An estimated 29,000 cubic yards of fill material would be disposed and graded to meet reclamation grades. Fill quantity is estimated at 600 cubic yards every three years. Following completion of fill material disposal, the site would be cap graded with 12 inches of topsoil.

The disposal and grading activities would not impact existing trees. Sixty ponderosa pine trees would be planted southwest of the site. After surface elevations have been restored, the filled area would be seeded as final treatment.

4. Commission Rule 350-81-520(2)(bb) includes that expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest key viewing areas from which it is visible may be allowed upon a demonstration that:
 - (A) The site plan requirements for such proposals pursuant to 350-81-520 have been met.
 - (B) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any key viewing areas.
 - (C) A reclamation plan to restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with 350-81-520(1)(f) and (g).
 - (D) A written report on a determination of visual subordination has been completed, with findings addressing the extent of visibility of proposed mining activities from key viewing areas, including:
 - (i) A list of key viewing areas from which exposed mining surfaces (and associated facilities/activities) would be visible.
 - (ii) An estimate of the surface area of exposed mining surfaces that would be visible from those key viewing areas.
 - (iii) The distance from those key viewing areas and the linear distance along those key viewing areas from which proposed mining surfaces are visible.
 - (iv) The slope and aspect of mining surfaces relative to those portions of key viewing areas from which they are visible.
 - (v) The degree to which potentially visible mining surfaces are screened from key viewing areas by existing vegetation, including winter screening considerations.
 - (vi) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.

The applicant has provided site plans in accordance with Commission Rules 350-81-032(5) and 350-81-520.

The applicant has provided a reclamation plan in compliance with 350-81-520(1)(f). In accordance with Commission Rule 350-81-106(1)(a), a state agency does not have to approve reclamation plans for disposal sites; therefore, 350-81-520(1)(g) is not applicable. As indicated in the reclamation plan, restoration of the disposal site would restore surface elevations to near original conditions, and more natural topography, over the duration of the project. Sixty ponderosa pine trees, reflective of natural vegetation present in the eastern Columbia River Gorge Pastoral landscape setting, would be planted southwest of the site. After surface elevations have been restored, the filled area would be seeded as final treatment.

The applicant provided perspective views and a Scenic Resource Standards report assessing visibility of the disposal site from the KVAs and addressing the requirements of Commission Rule 350-81-520(2)(bb)(D).

As discussed under Commission Rule 350-81-520(2)(b), the proposed disposal site and associated operational activities would be visually subordinate as seen from the KVAs. The proposed disposal site would be visually subordinate from the KVAs beyond three miles (Rowena Plateau and Tom McCall Point). While trucks accessing the site would be visible from nearby KVAs, the site itself would be screened from KVAs within three miles due to distance, topography, vegetation, rock outcroppings. To provide additional onsite screening, the applicant proposes to plant native trees southwest of the site, along the southern edge of the applicant-owned parcel #03123100000300 to the south. Sixty ponderosa pine trees will be planted in groups of ten in the first dormant season following approval of the proposal.

The operational activities during disposal will be infrequent, intermittent, and short in duration over the life of the project. The disposal site seclusion within the subject parcels will ensure operational activities are screened from all KVAs. The proposed tree planting will provide additional screening of equipment movements from KVAs across the Columbia River. Based on the information described above, the disposal site and associated activities will remain visually subordinate and screened from all KVAs.

5. Commission Rule 350-81-520(2)(cc) includes that unless addressed by 350-81-520(2)(bb), new production and/or development of mineral resources may be allowed upon a demonstration that:
 - (A) The site plan requirements for such proposals pursuant to this chapter have been met.
 - (B) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any key viewing area.
 - (C) A reclamation plan to restore the area to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with 350-81-520(1)(f) and (g).

The requirements of Commission Rule 350-81-520(2)(cc) are addressed under Commission Rule 350-81-520(2)(bb) above.

D. SMA SCENIC RESOURCES

1. Commission Rule 350-81-530(1)(a) includes design guidelines for the pastoral landscape setting within the SMA. Pastoral areas shall retain the overall appearance of an agricultural landscape.

The proposed disposal site is located in an eastern Columbia River Gorge Pastoral landscape setting.

2. Commission Rule 350-81-530(2) includes guidelines for development and uses visible from KVAs.
3. Commission Rule 350-81-530(2)(a) states, "The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas."

The subject parcel can be seen from the following eight KVAs, as listed in Section B above; therefore, Commission Rule 350-81-530(2) guidelines are applicable

4. Commission Rule 350-81-530(2)(b) states, "New developments and land uses shall be evaluated to ensure that the required scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from key viewing areas."

The applicant provided perspective views and a Scenic Resource Standards report assessing visibility of the disposal site from the KVAs and addressing the requirements of Commission Rule 350-81-520(2)(bb)(D).

The proposed disposal site and associated operational activities would be visually subordinate and screened from the view of KVAs within three miles due to distance, topography, vegetation, rock outcroppings; therefore, the required scenic standard is met, scenic resources are not adversely affected, including consideration of cumulative effects. Additional tree plantings will further screen the site and disposal activities from KVAs.

5. Commission Rule 350-81-530(2)(c) includes the required SMA scenic standards for all development and uses in the Pastoral landscape setting. For Agriculture land within the Pastoral landscape setting, the scenic standard is Visually Subordinate.

The applicant provided a Scenic Resource Standards report assessing visibility from the following KVAs.

Tom McCall Point (Nature Conservancy Viewpoint)

The disposal site is approximately 3.75 miles from the top of Tom McCall Point. Proposed reclamation activities would not be visible at this distance with the existing vegetative screening surrounding the disposal site. The view of the disposal site would be visually subordinate.

Rowena Plateau

The Rowena Plateau Trail beginning is approximately 3.11 miles away from the disposal site. The disposal site would not be visible due to existing rock topography on the Oregon side. The end of the Rowena Plateau Trail is approximately 2.4 miles from the disposal site, which is screened by existing topography, trees, and rock faces. Views of the disposal site from the trail would be visually subordinate.

SR 14

A segment of SR 14 is directly adjacent to the access road to site. Approaching from each direction along SR14, the entrance road is visible in partial segments. Due to the elevation of the existing rock topography and trees, areas past the immediate entrance would not be visible. Haul trucks entering or exiting the exit would be visible for short moments. It is anticipated that 50 to 80 trips

would occur annually. Operational activities within the site would not be visible to users along SR 14 in any capacity.

CR 1230/Old North Bank Highway 8 (Old Washington SR 14)

The outer rock face on the north side of the quarry area can be seen from this KVA. During short durations of disposal, equipment may be seen moving into and out of the quarry area. Stockpiling, filling, and dumping would remain not visible. The visibility of the site access would be minimal due to the infrequent and short duration of operation and the limited angle of view directly into the area of proposed fill material. Visibility toward the site is eliminated as the point of view moves eastbound or westbound along CR 1230.

Historic Columbia River Highway

The disposal site is hidden from the Historic Columbia River Highway due to existing topography breaks. From the distance of this KVA, any work related to disposal or reclamation would remain screened.

I-84 Westbound

Throughout the traveling segments of I-84 Westbound, the disposal site is within the user's viewshed. Given the disposal site's position amongst the existing rock landform and screening by the rock outcropping south of SR 14, all activity associated with the reclamation of the site would not be visible from I-84 Westbound.

I-84 Eastbound

Throughout the traveling segments of Interstate 84 Eastbound, the disposal site is within the user's viewshed. As with I-84 Westbound, given the disposal site's position amongst the existing topography and screening by the rock outcropping south of SR 14, all activity associated with the reclamation of the site would not be visible from I-84 Eastbound. The view of the site would be screened from the KVA.

Memaloose State Park (rest stop along I-84)

The disposal site is always positioned in the far background of Memaloose State Park. Many existing trees screen partial views directly out to the Columbia River or adjacent roadway. The existing rock topography would screen all activities associated with reclamation. The view of the disposal site would be visually screened from the KVA.

Pursuant to Commission Rule 350-81-106(3), disposal sites must be visually subordinate from KVAs beyond three miles of the site and fully screened from KVAs within three miles of the site. Additionally, pursuant to Commission Rule 350-81-530(2)(c), all uses in the Pastoral landscape setting must be visually subordinate.

The proposed disposal site would be visually subordinate from the KVAs beyond three miles (Rowena Plateau and Tom McCall Point). While trucks accessing the site would be visible from nearby KVAs, the site itself would be screened from KVAs within three miles due to distance, topography, vegetation, rock outcroppings. To provide additional onsite screening, the applicant proposes to plant native trees southwest of the site, along the southern edge of the applicant-owned parcel #03123100000300 to the south. Sixty ponderosa pine trees will be planted in groups of ten in the first dormant season following approval of the proposal.

The operational activities during disposal will be infrequent, intermittent, and short in duration over the life of the project. The disposal site seclusion within the subject parcels will ensure

operational activities are screened from all KVAs. The proposed tree planting will provide additional screening of equipment movements from KVAs across the Columbia River. Based on the information described above, the disposal site and associated activities will remain visually subordinate and screened from all KVAs.

6. Commission Rule 350-81-530(2)(d) states, "In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development."

The disposal site is located within an existing quarry, and does not consist of a new development, but rather reclamation of the quarry. Activities include depositing fill material to restore the site to near original conditions, with a more natural topography, and planting of screening trees. Therefore, the disposal site will effectively blend with the adjacent natural landscape elements.

7. Commission Rule 350-81-530(2)(e) states, "Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

The subject parcel increases in slope northward from SR 14. The access road and disposal site are located within a shallow valley and the disposal site is further located within a depression. The proposed disposal site is screened from KVAs by existing topography, geology, and mature trees located both on and off the subject parcel, meeting the visually subordinate standard of the Pastoral landscape setting. As a result, no new landscaping or other conditions are needed in order to achieve visual subordination in this instance. However, the applicant has proposed to plant 60 ponderosa pine trees southwest of the site to further ensure screening and continued visual subordination as seen from the KVAs.

8. Commission Rule 350-81-530(2)(f) includes that the extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.
 - (A) Decisions shall include written findings addressing the factors influencing the degree of visibility, 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, and
The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).
 - (B) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen from key viewing areas, including but not limited to:
 - (i) Siting (location of development on the subject property, building orientation, and other elements),
 - (ii) Retention of existing vegetation,
 - (iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and

(iv) New landscaping.

As discussed above, the proposal meets the visually subordinate standard and the applicant has not proposed to remove any trees for the disposal site. To ensure the continued visual subordination of the site, 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, so that these trees can help screen the disposal site from views from KVAs.

9. Commission Rule 350-81-530(2)(g) states, "Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources."

As addressed in Sections E and F, the proposed development is consistent with the applicable cultural resource guidelines in Commission Rule 350-81-550 and natural resource guidelines in Commission Rule 350-81-560 through 600 that protect natural resources.

10. Commission Rule 350-81-530(2)(h) states, "Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from key viewing areas."

As shown in the perspective views and cross sections provided by the applicant, the disposal site will remain at or below the adjacent topography levels, and will not protrude above the line of a bluff, cliff, or skyline as seen from KVAs.

11. Commission Rule 350-81-530(2)(j) includes that the following guidelines applicable to new landscaping used to screen development from key viewing areas:
- (A) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.
 - (B) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.
 - (C) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.
 - (D) The *Scenic Resources Implementation Handbook* shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

The proposed disposal site is screened from KVAs by existing topography, geology, and mature trees located both on and off the subject parcel. As a result, no new landscaping is needed in order to achieve visual subordination in this instance. However, the applicant has proposed to plant 60 ponderosa pine trees southwest of the site to further ensure screening and continued visual

subordinance as seen from the KVAs. The trees will be a minimum of two gallons in size when planted. The applicant has indicated that management activities will be implemented to promote establishment of installed vegetation, including but not limited to, installation of watering gel packs throughout the growing season, and weed control as needed. Establishment work will continue for minimum of three years following installation and will include replacement of trees as needed.

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. In accordance with Commission Rule 350-100-530(2)(j), the applicant shall install the trees 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. The applicant is responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

12. Commission Rule 350-81-530(2)(m) states, "Any exterior lighting shall be sited, limited in intensity, shielded, or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes."

No exterior lighting is indicated on the applicant's site plan. If outdoor lights are proposed on the subject parcel, the applicant shall show them on a revised site plan and 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 Commission Rule 350-81-520(2)(j). All outdoor lights shall be directed downward, hooded, and shielded so as not to be highly visible as seen from SR 14.

13. Commission Rule 350-81-530(3) contains guidelines for all new developments and land uses within KVA foregrounds and immediately adjacent to scenic routes.
14. Commission Rule 350-81-530(3)(d) defines immediate foregrounds as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls.

SR 14 is listed as a Scenic Travel Corridor in Commission Rule 350-81-020(133).

As the proposed disposal site would be set back over 400 feet from SR 14, is not immediately adjacent to SR 14 or the immediate foreground of a KVA and therefore Commission Rule 350-81-530(3) does not apply.

Conclusion:

The proposed disposal site is visually subordinate as seen from KVAs and therefore, conditions of approval are not required. However, conditions including implementation of a reclamation plan, retention of existing trees, and installation of additional screening trees will ensure continued visual screening and restoration of the site. With these conditions, the proposed development would be consistent with the applicable guidelines in Commission Rule 350-81-520 and 350-81-520 that protect scenic resources in the National Scenic Area.

E. CULTURAL RESOURCES

1. Commission Rule 350-81-550(2) directs proposed developments in the SMA to use the procedures and guidelines in Commission Rule 350-81-540 for review. Commission Rules 350-81-540(1)(c)(A) and (B) include guidelines to determine when a cultural resources reconnaissance survey and a historic survey are required for proposed developments.

The applicant provided a cultural resources survey report, which was reviewed by Marge Dryden, Heritage Program Manager, U.S. Forest Service (USFS), Columbia River Gorge National Scenic Area Office.

A reconnaissance survey was conducted for the site, which identified no early historic or prehistoric archaeological resources within the project area. One previously recorded archeological site (45KL644) was identified just outside the general project area. It was determined that the archeological site would not be impacted by the proposal. The memo concluded that based on the results of the review, the proposed disposal site would have minimal potential to affect historic properties, and no further cultural resources investigations were recommended.

Ms. Dryden's March 24, 2017 letter stated that as the archeological site 45KL644 was more than 250-feet from the proposed work area and at a lower elevation, the distance and elevation difference were sufficient to ensure no effects to the site from the project and no buffer measures would be required. Ms. Dryden confirmed that the project would have no effect on historic or prehistoric properties. Marge Dryden noted in her letter that inadvertent discovery conditions should be required.

On March 28, 2017, staff forwarded the Cultural Resources Review memo and USFS project review letter to Washington Department of Archeology and Historic Preservation and the treaty tribes.

Conclusion:

The proposed development is consistent with the applicable cultural resource guidelines in Commission Rule 350-81-550. A condition of approval will include provisions for the inadvertent discovery of cultural resources and discovery of human remains, including notification of the State Physical Anthropologist Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov.

F. NATURAL RESOURCES

1. Commission Rule 350-81-560 through 600 provide guidelines for protecting wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife areas and sites, and rare plants.

The Gorge Commission's natural resource inventory indicates that no wetlands, ponds, or lakes exist on the parcel.

2. Commission Rule 350-81-600(2) includes buffers for water resources. A minimum 200-foot buffer is required for perennial or fish bearing streams and a 50-foot buffer for intermittent (including ephemeral), non-fish bearing streams.

Catherine Creek is over 1,000 feet, Major Creek is over 200 feet, and an unnamed tributary is approximately 100 feet from the proposed disposal site. The unnamed tributary is an intermittent, non-fish bearing stream and will be crossed for access during periods of seasonal flow. The applicant obtained a WDFW Hydraulic Project Approval for crossing Westside Creek for regular use of the disposal site until 2021. The HPA includes stream crossing requirements.

3. Commission Rule 350-81-600(3) allows uses within 1,000 feet of a sensitive wildlife/plant area or site subject to review under Commission Rule 350-80-600(3).

The natural resource inventory indicates that the proposed disposal site is within 1,000 feet of the following sensitive wildlife/plant areas and sites:

- California kingsnake
- Merriam's turkey
- Coho salmon and steelhead trout (Major Creek)
- Riparian
- Cliffs and Bluffs
- Oregon white oak priority habitats
- Catherine and Major Creeks designated Natural Area
- Violet suksdorfia
- Narrow-leaf onion
- Marigold navaretia
- Few-flowered collinsia
- Western ladies' tresses
- Gooseberry-leaved alumroot
- Nuttall's quillwort
- Common blue-cup

The applicant provided a Biological Evaluation (BE). The BE included desktop habitat assessments and field surveys conducted in April and June 2014, in accordance with USFS Survey and Manage protocols. Based on a literature review, aerial photography, and site visits, it was determined that that two Survey and Manage species/groups warranted USFS protocol-level surveys: Larch Mountain salamander and terrestrial mollusks.

Based on the results of the BE, it was determined that Larch Mountain salamander would not be affected by the proposed disposal site because the species was not observed during surveys, suitable habitat was not present, and the eastern-most WDFW documented occurrence was approximately 1.5 miles to the west. Based on the results of the BE, it was determined that sensitive terrestrial mollusks would not be affected by the proposed disposal site because the species was not observed during surveys and only marginal habitat was present.

Desktop habitat assessments determined that 41 additional sensitive species had the potential to occur in the vicinity of the proposed disposal site. Habitat conditions observed during the site visits determined that suitable habitat was present within or adjacent to the proposed disposal site for 16 sensitive wildlife species. Of these, only two wildlife species, western small-footed myotis and pallid bat, were found to potentially utilize the disturbed habitat within the proposed disposal site. These bats may roost within crevices located in the face of the pit site. The BE recommended that rock faces are 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 should not be pushed up against the walls of the site.

The applicant provided a Rare Plants Technical Memo, which included a plant surveys in April and June 2011. During the surveys, few-flowered collinsia, deltoid balsamroot, and western ladies' tresses were observed on the subject parcel, but not within the proposed disposal site area proposed. A site visit and coordination meeting between the applicant and USFS botanist, Robin Dobson, was conducted on May 7, 2014 to determine potential impacts to sensitive plant species. During the meeting, it was determined that no adverse impacts to sensitive plant species or populations would occur as a result of the proposed disposal site and operational activities. Although no construction-related mitigation measures are required for rare plants, the applicant will replant vegetation where possible and minimize habitat disruption or alteration beyond the extent required to undertake the project activities.

4. Commission Rule 350-81-600(3)(c) requires that the USFS, in consultation with state biologists review the site plan and field survey records.

On July 22, 2015, staff met the USFS regarding the proposal. The Commission received a response that the USFS did not have any significant concerns regarding the project. Concerns were related to petroleum products leaching into Westside Creek from disposal material, disposal materials introducing invasive plant species, and western small-footed myotis and the pallid bat potential use of the area. On May 16, 2017, the Commission received a response that the USFS did not have any additional concerns regarding the project.

On May 11, 2017, staff contacted Amber Johnson with WDFW for comments related to the proposal. On May 16, 2017, the Commission received a response that WDFW does not have any concerns regarding the project.

On May 11, 2017, staff contacted Jasa Holt with the Washington Natural Heritage Program for comments related to the proposal. The Commission received a response from Jasa Holt, Natural Heritage Program, on May 16, 2017 indicating that there are occurrences for few-flowered collinsia and western ladies-tresses on the subject parcels. However, if individual plants are growing within the proposed disposal site, the impact to these large populations as a whole would be very small.

5. Commission Rule 350-81-600(4) includes guidelines for soil productivity. Projects must control all soil movement within the area shown on the site plan. The disturbed soil area must not exceed 15 percent of the project area. Within one year of completion, 80 percent of the disturbed area must be restored using effective native ground cover species.

The applicant provided a grading and restoration plan. The disposal site includes approximately 1.25 acres, less than 15 percent of the subject parcels. Following restoration of surface elevations, the 1.25-acre area will be hydroseeded in accordance with the restoration plan.

To address agency concerns and ensure protection of natural resources, the following conditions shall be applied:

- The proposed disposal site and operational activities shall be setback a minimum of 200 feet from Major Creek and 50 feet from Westside Creek.
- The applicant shall implement the Westside Creek crossing and creek protection provisions included in the WDFW Hydraulic Project Approval.

- 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.
- Implement best management practices to control the spread of invasive and noxious weeds.
- Implement best management practices to control soil erosion and stream sedimentation.
- Minimize the area of disturbance and soil movement, including utilizing the most direct route in and out of the disposal site.
- 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.
- 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.

Conclusion:

With the conditions of approval applied to ensure protection of natural resources, the proposed disposal site is consistent with the guidelines in Commission Rule 350-81-560 through 600 that protect natural resources in the National Scenic Area.

G. RECREATION RESOURCES

The subject parcel is not adjacent to any parks or designated recreation sites. Catherine Creek is the nearest recreational site; however, it is over 1,000 feet from the proposed disposal site. The proposal will not displace or adversely affect existing recreational resources.

Conclusion:

The proposed development is consistent with applicable recreation resource guidelines and Commission Rule 350-81-620 does not apply.

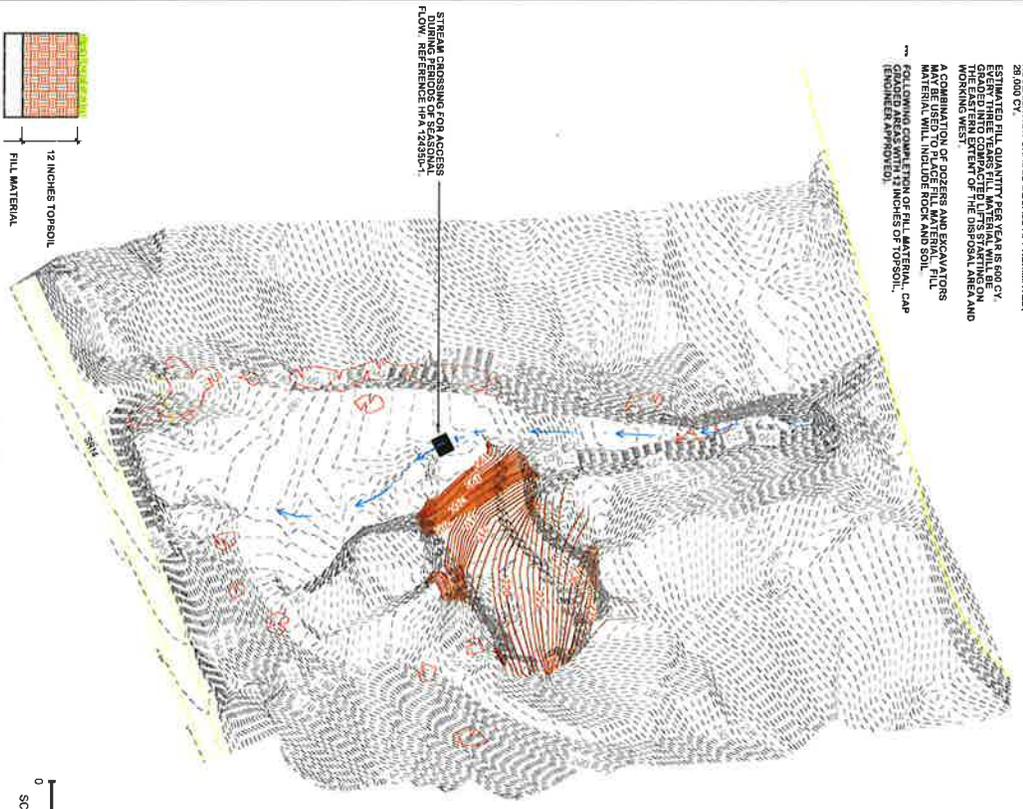
DATE THIS REPORT WAS PREPARED: May 22, 2017

Cc: 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 Public Works Department
 Klickitat County Health Department
 Klickitat County Assessor
 Skamania County
 Washington Natural Heritage Program
 Washington Department of Fish and Wildlife
 Friends of the Columbia Gorge

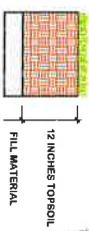
END OF STAFF REPORT

DISPOSAL GRADING PARAMETERS

*** AVAILABLE STORAGE AREA BASED ON POST 20 AND CY. ESTIMATED FILL QUANTITY PER YEAR IS 600 CY. EVERY THREE YEARS FILL MATERIAL WILL BE ON THE EASTERN EXTENT OF THE DISPOSAL AREA AND WORKING WEST. A COMBINATION OF DOZERS AND EXCAVATORS FOLLOWING COMPLETION OF FILL MATERIAL, CAP MATERIAL WILL INCLUDE ROCK AND SOIL (MINIMUM 18 INCHES).



TOPSOIL PLACEMENT

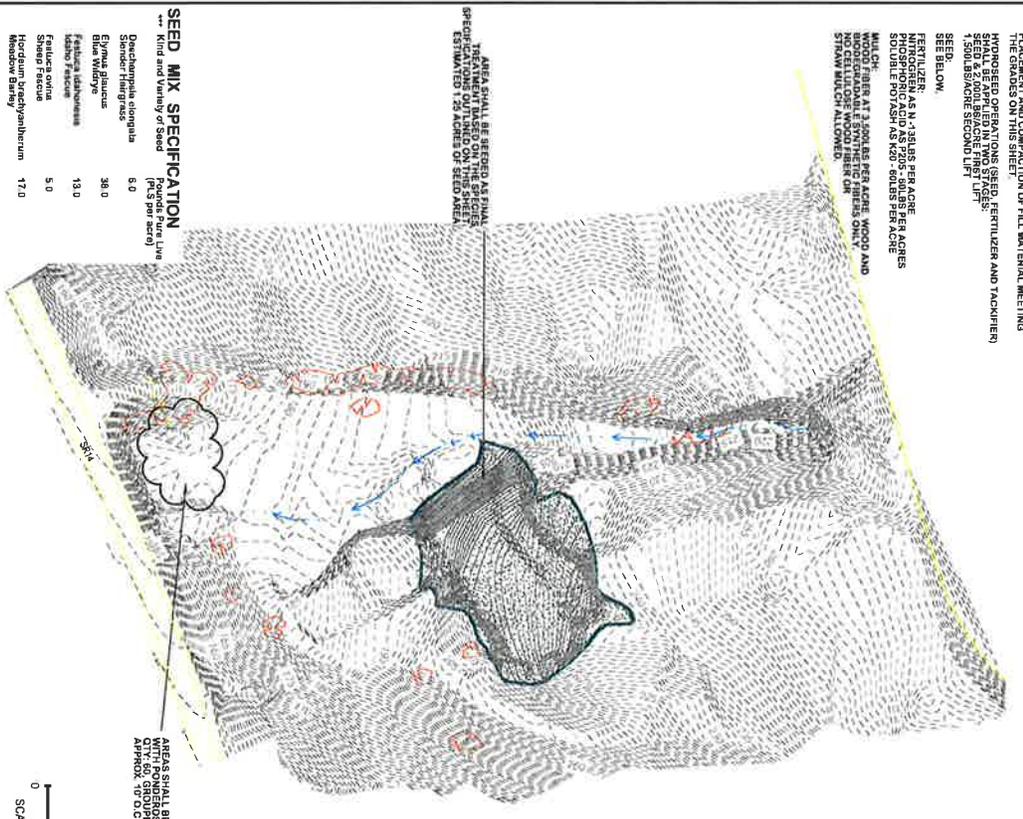


GRADING PLAN



SEEDING PARAMETERS

*** SEED SHALL BE HYDROSEEDING FOLLOWING FINAL PLACEMENT AND COMPACTION OF FILL MATERIAL MEETING THE GRADERS ON THIS SHEET. HYDROSEEDING SHALL INCLUDE FERTILIZER AND TACKIFIER. SEED SHALL BE APPLIED IN TWO STRIPES. STRIPES SHALL BE SEEDING FIRST LIFT SEED & TACKIFIER SECOND LIFT SEED. SEE BELOW.



SEED MIX SPECIFICATION

*** Kind and Variety of Seed (Pounds Pure Live Seed per Acre)

Deschampsia elongata	6.0
Deschampsia flexuosa	38.0
Blau Wildrye	13.0
Festuca idahoensis	5.0
Festuca ovina	17.0
Hedysarum densiflorum	1.00
Koeleria cristata	
Poa trivialis	
Total Pounds PLS Per Acre	80.00

RESTORATION PLAN



FILE NAME	G:\Environmental\Maintenance\Plan, Quarries, Disposal Storage, 14SR, 14 MP, 7243 Major Creek\Reclamation Plan.rvt
TIME	12:51:00 PM
DATE	11/27/16
PLOTTED BY	phipp
DESIGNED BY	R. PHIPPS
ENTERED BY	R. PHIPPS
CHECKED BY	D. CORLETT
PROJECT NO.	
REVISION	
DATE	
BY	
NO.	10
WASH	
JOB NUMBER	
CHECKLIST NO.	
LOCATION NO.	FEDAO PROJNO.
DATE	

DATE OF LAST REVISION: 11/27/16
 DRAWN BY: DANIEL E. CORLETT
 CHECKED BY: DANIEL E. CORLETT
 PROJECT NO.: 14SR, 14 MP, 7243

Washington State
 Department of Transportation

SR14 MAJOR CREEK
 RECLAMATION
 PLAN
 RECLAMATION PLAN

FIG 14
 PLAN NO. RC4
 SHEET 4
 OF 4
 METERS



File Code: 2360-3

Date: March 24, 2017

Jessica Gist
Natural Resource and Land Use Planner
Columbia River Gorge Commission
57 NE Wauna Ave
White Salmon, WA

Dear Ms Gist:

I have reviewed the records for C17-0004 and have determined that a cultural resources survey has been completed and reported in "**Cultural Resources Review, SR 14 Major Creek Pit Site**" (Memo Report dated Nov. 28, 2016)) by Roger Kiers from Washington State Department of Transportation. The report has been entered in the WISAAARD database and has been assigned project number **2016-12-08803**. You will need to reference this number in your correspondence with the Department of Archaeology and Historic Preservation (DAHP).

A reconnaissance survey was undertaken and located no early historic or prehistoric archaeological resources within the current project area. Kiers concluded:

"Based on the results of this review, the reclamation proposal has minimal potential to affect historic properties, and no further cultural resources investigations are recommended (Kiers 2016:2)".

There is one previously recorded site (45KL644) which is located just outside the general project area. We have determined that the site is more than 250-feet from the proposed work area, and at a lower elevation. The distance and elevation difference are sufficient to ensure **no effects** to the site from the project. No buffer measures are required.

This report complies with the guidelines for small-scale projects as outlined in Gorge Commission ordinance. This project will have **no effect** on historic or prehistoric properties.

As always, please include the stipulation for the discovery of cultural resources during construction and the "Discovery of Human Remains" requirements as conditions of the permit. It should also be noted that the Washington State Physical Anthropologist, Dr. Guy Tasa, must also be notified.

Cultural Resources Discovered After Construction Begins

1. The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the local government and the SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.
 - A. Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - B. Notification. The project applicant shall notify the local government and the Gorge Commission within 24 hours of the 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.
 - C. Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the SHPO. (See



Oregon Revised Statute [ORS] [273.705](#), [ORS 358.905 to 358.955](#), and Revised Code of Washington [RCW] [27.53](#). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in the "Reconnaissance Survey Reports--Large-Scale Uses" and "Evaluation of Significance: Evaluation Criteria and Information Needs" sections of this chapter.

Based on the survey and evaluation report and any written comments, the local government shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

A mitigation plan shall be prepared if the affected cultural resources are significant.

- D. Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

Discovery of Human Remains

1. The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

- A. Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- B. Notification. Local law enforcement officials, the local government, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- C. Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
- D. Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.
- E. Treatment. In Oregon, prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in [ORS 97.740 to 97.760](#). In Washington, the procedures set forth in RCW [27.44](#) and [68.05](#) shall generally be implemented if the remains are prehistoric/historic.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter.

The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the "Mitigation Plans: Conclusion of the Cultural Resource Protection Process" section of this chapter are met and the mitigation plan is executed.

The referenced report may be transmitted to the consulting Tribes and to DAHP with this letter.

Sincerely,

ISI Margaret L. Dryden

MARGARET L. DRYDEN
Heritage Program Manager