COLUMBIA RIVER GORGE COMMISSION
DIRECTOR’S DECISION

CASE FILE: C19-0002

PROPOSAL: The Columbia River Gorge Commission has received an application for the replacement of an existing accessory building destroyed by a natural disaster.

APPLICANT: Debra Ross

LANDOWNER: Crow-Donnell Family Trust, Debra Ross and Melinda Walsh

LOCATION: The subject parcel is located at 70 Ramsay Lane, White Salmon, Washington, in the North West Quarter of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-2800-06/00. The parcel is 10 acres in size.

*Klickitat County records indicate the street address of the subject parcel is 85 Ramsay Lane. The applicant provided the street address 70 Ramsay Lane. For this review, the Commission is using the address provided by the applicant but acknowledges the discrepancy.

LAND USE DESIGNATION: The subject parcel is in the General Management Area and designated Small-Scale Agriculture.

DECISION:
Based upon the following findings of fact, the land use application by Debra Ross for the replacement of an existing building destroyed by a natural disaster is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the Management Plan for the Columbia River Gorge National Scenic Area (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 C19-0002, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor’s Office. Once recorded, the applicants shall submit a copy of the recorded document 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 to obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development such as residences, garages, workshops, or other accessory structures, additions or alterations, or grading not included in the approved application or site plan will require a new application and review.

4. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.

5. Only the approved dark earth-toned colors for exterior materials shall be used. The approved colors for the garage are James Hardie colors Rich Espresso, Country Lane Red, and Iron Gray. The approved color for the asphalt roof is black. Any proposed changes to these colors shall be submitted for review to the Executive Director. The color of the development shall be maintained over time by painting and staining as necessary.

6. All exterior building materials, including roofing, railings, trim, and siding, shall be non-reflective or have low-reflectivity. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% is required for all glazing. Any exterior metal materials shall be painted with low-gloss paint and maintained as necessary to ensure that the material is non-reflective.

7. No outdoor lighting is indicated on the approved site plan or elevation drawings. If outdoor lights are proposed on the subject parcel, the applicant shall show them on the revised site plan and submit the proposed design and placement of the lights to the Gorge Commission for the review and approval.

8. The landowners shall maintain the health of the grove of Douglas fir trees that surround the replacement garage to the south and east as required screening for the garage. Except for dead trees or other dead vegetation that may serve as a fire hazard, all existing vegetation shall be retained and maintained for screening purposes, or as indicated on the approved landscaping plan.

9. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. 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 construction activities, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

11. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting).
DATED AND SIGNED THIS 22nd day of May 2019 at White Salmon, Washington.

[Signature]
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 22nd day of May 2021 unless construction has commenced in accordance with Commission Rule 350-81-044(4).

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

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

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

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicate that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:
The appeal period ends on the 21st day of June 2019.
The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the date of this decision. Information on the appeal process is available at the Commission office.

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

This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.
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
Washington Natural Heritage Program
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Attachments:
    Staff Report for C19-0002
    Approved site plan
CASE FILE: C19-0002

PROPOSAL: The Columbia River Gorge Commission has received an application for a replacement accessory building destroyed by a natural disaster.

APPLICANT: Debra Ross

LANDOWNER: Crow-Donnell Family Trust, Debra Ross and Melinda Walsh

LOCATION: The subject parcel is located at 70 Ramsay Lane, White Salmon, Washington, in the North West Quarter of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-2800-06/00. The parcel is 10 acres in size.

*Klickitat County records indicate the street address of the subject parcel is 85 Ramsay Lane. The applicant provided the street address 70 Ramsay Lane. For this review, the Commission is using the address provided by the applicant, but acknowledges the discrepancy.

LAND USE DESIGNATION: The subject parcel is in the General Management Area and designated Small-Scale Agriculture.

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200-feet of the subject parcel and the following organizations/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 Public Works Department
- Klickitat County Health Department
- Klickitat County Assessor
- Washington Natural Heritage Program
- Washington Department of Fish and Wildlife
- Friends of the Columbia Gorge
Written comments were received from Friends of the Columbia River Gorge and the Confederated Tribes of the Warm Springs Reservation of Oregon.

**FINDINGS OF FACT:**

**A. Land Use**

1. The subject parcel is in the General Management Area (GMA) and is designated Small-Scale Agriculture. It is approximately 10 acres in size. There is a discrepancy between the size of the parcel according to the applicant and Klickitat County records. For future land use applications, a survey may be required.

2. The applicant proposes to replace an accessory building destroyed by heavy snow pack in February 2017. The heavy snow was a natural disaster. The original building was used as a garage, and was 30 feet long by 40 feet wide, with 1,200 interior sq. ft. The proposed replacement building has 720 interior sq. ft. The proposed replacement building will be 30 feet long by 24 feet wide, smaller than the original building.

3. Commission Rule 350-81-082(3) covers Replacement of Existing Structures Damaged or Destroyed by Disaster.

4. Commission Rule 350-81-082(3)(a) states:

   *An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed.*

   The original garage was destroyed by heavy snow pack in February 2017. The applicant contacted the Commission shortly after the garage collapsed to inquire about a replacement. The applicant submitted an application for the replacement garage in January 2019, within two years of the date the original garage was destroyed. The application was complete when the applicants submitted it.

5. Commission Rule 350-81-082(3)(a)(A) states:

   *The replacement structure shall be in the same location as the original structure...*

   The applicants propose a building that is in the same location as the original structure. The orientation of the building has changed by 10 degrees, but the building will be in the same location.

6. Commission Rule 350-81-082(3)(a)(B) states:

   *The replacement structure shall be used in the same manner and for the same purpose as the original structure...*

   The original structure was used as a garage for storage and as a shop. The applicant stated in the application that the replacement building will be used in the same manner and for the same
purpose. Approximately, one half of the replacement garage has a concrete floor for use as shop. The other half of the building has a gravel floor for storing equipment and wood.

7. Commission Rule 350-81-082(3)(a)(C) states:

   The replacement structure shall be the same size and height as the original structure, provided:
   (i) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure.
   (ii) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.

The original garage was 30 feet long by 40 feet wide, and 1,200 interior sq. ft. The proposed replacement structure has 720 interior sq. ft. The applicant believes the original building was 16’ tall. The proposed replacement building will be 30 feet long by 24 feet wide, smaller than the original building. The height of the new building from roof to finished grade will be 16’ 2,” approximately the same height as the original building.

8. Commission Rule 350-81-082(3)(a)(F) states:

   The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year time frame.

The original garage was destroyed due to heavy snow pack in February 2017. The applicant contacted the Commission shortly after the garage collapsed to inquire about a replacement. The application for the replacement garage was submitted January 2019, within two years of the date the original garage was destroyed. The application was complete when the applicant submitted it.

Conclusion:
The proposed development is a review use on lands designated GMA Small-Scale Agriculture subject to the following scenic resources protections in the National Scenic Area. Review for Natural, Cultural, Recreational and Tribal resources is not required.

B. Scenic Resources

1. Commission Rule 350-81-082(3)(a)(D) states:

   The replacement structure shall only be subject to the following scenic resources standards...

2. Commission Rule 350-81-082(3)(a)(D)(i) states:

   The replacement structure shall comply with the scenic resources guidelines regarding color and reflectivity. These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

Commission Rule 350-81-020(172) defines visually subordinate as:
A description of the relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the SMA shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

The subject parcel is located at the top of Burdoin Mountain, accessed off Tunnel Road, and is part of the Columbia Rim Home Owners Association. The elevation of the proposed site is approximately 2,270 feet. The parcel is roughly 10 acres in size, and has mixed vegetation including some large groves of tall Douglas fir trees. The parcel slopes steeply from its southern end to more level ground on its northern end. The building site is set back from the ridge of Burdoin Mountain about 250 ft. Directly south of the proposed development is a grove of a dozen 50' tall Douglas fir trees and the parcel's dwelling. The parcel is visible from four KVAs: Oregon Highway 35, the Columbia River, the Historic Columbia River Highway, and I-84.

The building site is partially visible from two KVAs: Oregon Highway 35 and the Historic Columbia River Highway. The site is visible topographically for .4 miles along Oregon Highway 35, and for 3.25 miles intermittently from the Historic Columbia River Highway State Trail. The site is screened from the KVAs by existing topography because it is set back from the ridge of Burdoin Mountain about 250 ft, which helps to obscure it from view. A dozen tall Douglas fir trees screen the site completely from the southern and western aspects. The Douglas fir trees are at least 50-feet-tall and are visible from the Columbia River, the Historic Columbia River Highway, I-84, and Oregon Highway 35. The existing dwelling and another large grove of fir trees screen the site of the replacement garage from the east.

Staff conducted scenic analysis using Google Earth, and site visits to the property and KVAs. The roof of the dwelling on the applicant's parcel is visible from the Historic Columbia River Highway. However, the dwelling is approximately 70’ closer to the ridge of Burdoin Mountain, making it much more visible from KVAs. The dwelling is also not screened by existing vegetation like the replacement garage because there are no large trees in the near vicinity. Because of that natural topography and existing screening vegetation, staff believes the replacement garage is visually subordinate.

Commission Rule 350-81-520(2)(l) requires dark earth-tones found at the specific site or in the surrounding landscape for projects in the GMA topographically visible from KVAs. The applicants presented a suite of colors for approval and staff identified three colors that were dark earth tones found at the site. James Hardie colors Rich Espresso, Country Lane Red, and Iron Gray are approved as potential colors for the walls and are included as a condition of approval with this decision. The roof is black asphalt shingles.

Commission Rule 350-81-520(2)(m) requires the exterior of buildings in the GMA visible from key viewing areas to be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features. The applicant's replacement garage has one window, approximately 40 sq. ft., on the south facing side of the garage. A condition of approval requires the window be constructed of glass with 11% reflectivity or less, consistent with the recommendations in the Scenic Resources Implementation Handbook. The tall Douglas fir trees screen the glass completely from KVAs. The rest of the building is composed of materials with low reflectivity. The walls are composed of wood siding, and the roof is black asphalt shingles.

*Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.*

The original structure was 1,200 interior sq. ft. The proposed replacement structure has 720 interior sq. ft. There were no open portions of the original structure.

4. Commission Rule 350-81-082(3)(a)(D)(iii) requires the replacement structure to comply with scenic resources rules regarding landscaping to achieve the *visually subordinate* scenic standard to the maximum extent practicable.

No new landscaping is required by this Director’s Decision. A condition of approval requires the applicants to maintain the grove of Douglas fir trees according to the site plan as landscaping for the garage.


*Except as provided in 350-81-082(3)(a)(D)(iii)(II), the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.*

The structure is in the same location and screened by the same trees. The replacement building is smaller than the original building. The percent of the replacement structure screened by vegetation as seen from key viewing areas is the same.

6. Commission Rule 350-81-082(3)(a)(D)(iii)(II) states:

*In situations where the original structure was approved under Scenic Area regulations (e.g., Final Interim Guidelines, land use ordinance), the percent of the replacement structure screened by vegetation shall comply with any conditions of approval that required a landowner to preserve existing vegetation and/or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.*

The original structure was not approved under National Scenic Area regulations. Commission Rule 350-81-082(3)(a)(D)(iii)(II) does not apply.


*To help determine how much vegetation may be required under 350-81-082(3)(a)(D)(iii)(I) and (II), land use applications shall include all available documentation (photographic or otherwise) on the amount and type of vegetation that screened the original structure from key viewing areas. At a minimum, development review decisions shall include findings that address the following:*

1. The percent of original structure facing each key viewing area that was screened by coniferous vegetation, for each key viewing area from which the structure was visible.
2. The percent of original structure facing each key viewing area that was screened by deciduous vegetation, for each key viewing area from which the structure was visible.
(3) Elevation drawings showing the replacement structure and the amount of coniferous and deciduous vegetation that would screen the structure from key viewing areas in 10 years.

The site is screened from KVAs by existing topography and by a dozen tall Douglas fir trees. There are no deciduous trees near the development. No new screening is required by this Decision. A condition of approval requires the applicants to maintain the grove of Douglas fir trees as screening for the garage.

8. Commission Rule 350-81-082(3)(a)(D)(IV) states:

   The height of any new trees shall not be required to exceed 5 feet.

   No new landscaping is required by this Director's Decision. Commission Rule 350-81-082(3)(a)(D)(IV) does not apply.


   The time frame for achieving visual subordinance shall be 10 years or less from the commencement of construction.

   This standard does not apply because the decision does not require the applicant to take any actions to make the development visually subordinate.

Conclusion:

With conditions regarding siting, the proposed development will be consistent with the guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. Recreation Resources

1. Commission Rule 350-81-086 states:

   If new buildings or structures may detract from the use and enjoyment of established recreation sites, an appropriate buffer shall be established between the building/structure and the parcel.

   No new buildings are proposed. Therefore, no buffers are required pursuant to Commission Rule 350-81-086.

Conclusion:

The proposed development is consistent with Commission Rule 350-81-086 that protects recreation resources in the National Scenic Area.

D. Cultural Resources


2. Chris Donnermeyer, Heritage Resource Program Manager for the Columbia River Gorge National Scenic Area, reviewed the new land use application and determined in a Cultural Resources Survey Determination, dated May 13, 2019, that pursuant to Commission Rule 350-81-540(1)(c)(A)(iii) a reconnaissance survey was not required because the proposed use would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures.
3. Commission Rule 350-81-540(1)(c)(B) states:

A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

Chris Donnermeyer, Heritage Resource Program Manager for the Columbia River Gorge National Scenic Area, reviewed the new land use application and determined in a Cultural Resources Survey Determination, dated May 13, 2019, that the applicant does not propose to alter any structures or compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older. Therefore, a historic survey was not required for the proposed use.


The cultural resource protection process may conclude when one of the following conditions exists...

(i) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.

Neither a reconnaissance nor a historic survey is required. The Confederated Tribes of the Warm Springs Reservation of Oregon submitted comments. No substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed, and no substantiated concerns regarding cultural resource impacts were voiced by the State Historic Preservation Officer or Indian tribal governments during the comment period. Therefore, the cultural resource protection process may conclude.

5. Commission Rules 350-81-540(6) and (7) protect cultural resources and human remains discovered during construction. They require that if cultural resources or human remains are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified. Conditions of Approval are included in the Director's Decision alert the applicant to these requirements.

Conclusion:

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

E. Natural Resources

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590). The proposed development must only meet the criteria identified in Commission Rule 350-81-082 as it is a replacement of an existing structure destroyed by disaster.

2. The proposed development must only meet the criteria identified in Commission Rule 350-81-082 as it is a replacement of an existing structure destroyed by disaster. However, the Gorge Commission's natural resource inventories do not show any wetlands in the project vicinity.
visits did not indicate any wetlands on the parcel. Therefore, Commission Rule 350-81-560 that protects wetlands does not apply.

3. The proposed development must only meet the criteria identified in Commission Rule 350-81-082 as it is a replacement of an existing structure destroyed by disaster. However, the Gorge Commission’s natural resource inventories do not show any streams, ponds, lakes, riparian areas, or resource buffer zones in the project vicinity or on the parcel. Site visits did not indicate any water features on the parcel. Therefore, Commission Rule 350-81-570 that protects streams, ponds, lakes, and riparian areas does not apply.

4. The proposed development must only meet the criteria identified in Commission Rule 350-81-082 as it is a replacement of an existing structure destroyed by disaster. However, the Gorge Commission’s sensitive wildlife inventory shows the applicants development site is within 1,000-feet of deer and elk winter range. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include these areas. According to the Commission’s inventories, the project site is approximately 800-feet away from the nearest winter range boundary area. On February 20, 2019, Gorge Commission staff sent WDFW a copy of the applicant’s land use application and site plan. No comments were received.

Conclusion:

The proposed development must only meet the criteria identified in Commission Rule 350-81-082 as it is a replacement of an existing structure destroyed by disaster.

F. Treaty Rights Protection

1. Commission Rule 350-81-084(1) provides protection of tribal treaty rights from new development in the National Scenic Area. Pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on February 20, 2019. The notice included a comment period of 21 days that ended on April 13, 2019.

2. Commission Rule 350-81-084(1)(a) lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments.

The subject parcel is located 1.30 miles away from the Columbia River and has no river access, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on February 20, 2019. The notice included a comment period of 21 days that ended on April 13, 2019.

3. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when those governments submit substantive written comments. No substantive comments were received. Given this information, the proposed dwelling is consistent with Commission Rule 350-81-084(1)(b).

4. Commission Rule 350-81-084(c)(B) states,

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

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

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