

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C19-0019

PROPOSAL: The Columbia River Gorge Commission has received an application for improvements to Courtney Road. Improvements include widening and pavement repair for 2.16-miles of road between MP 0.04 and MP 2.20, and reconstruction including realignment, guardrails, culverts, stormwater treatment areas, signage and improvements to roadway intersections for 1.39 miles of road between MP 2.97 to MP 4.36.

APPLICANT: Klickitat County

LANDOWNERS: The following landowners are adjacent to the project site; this notice does not distinguish owner of the land by easement, right-of-way, or other means:
Klickitat County
United States Forest Service
Washington State Department of Transportation
Friends of the Columbia River Gorge Landtrust
Jimmie Bauguess
Charles Bloom
Lauren Boudreaux
J Davidson
Fred Heany
Leitmar Keskula
Kreps Ranch, LLC.
David Leibbrandt
Margaret Palardy
Lee Strom
Ben Strackany
Bernard Versari

LOCATION: The subject parcels are located on Burdoin Mountain, in Sections 27, 28, and 34, Township 3 North, Range 11 East, W.M., Klickitat County.

LAND USE

DESIGNATION: General Management Area – Small-Scale Agriculture, 80-acre minimum parcel size
General Management Area – Large-Scale Agriculture, 160-acre minimum parcel size
Special Management Area – Agriculture

DECISION:

Based upon the following findings of fact, the land use application by Klickitat County for road improvements to Courtney Road 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:

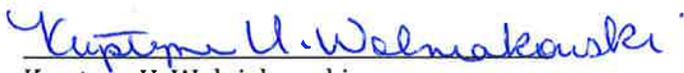
The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. Compliance with them is required. **This decision must be recorded in county 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 C19-0019, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, Klickitat County shall submit a copy of the recorded documents to the Executive Director.
2. This decision does not exempt the proposal from other non-National Scenic Area rules and regulations. It is Klickitat County'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 additional roadways, driveways or other grading and excavation 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. This approval is for the acquisition of right-of-way through easement or other means that does not require dividing land or lot-line adjustment. This approval is not for the acquisition of right-of-way by fee title.
6. Except to provide reasonable access, the sections of the existing roadbed not intended for the new alignment of Courtney Road shall be decommissioned and restored to a natural appearance, including but not limited to removal of the road surface and base, restoration of topography. Decommissioned areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.
7. Only approved dark earth-toned colors for exterior materials shall be used. The backs of all traffic signs will be painted Federal Standard Color FS 30040, a dark brown earth tone color. Any proposed changes to these colors shall be submitted for review by the Executive Director for consistency with this condition of approval. The color of the development shall be maintained as necessary to maintain the approved color.
8. All exterior materials shall be nonreflective or have low reflectivity. All bare and exposed metals shall be treated to be a dark earth tone color. All new guardrails will be treated with a dark Natina® coloring. Any proposed changes shall be submitted for review by the Executive Director for consistency with this condition of approval.
9. The rockery slope treatment shall be treated with a dark Natina® coloring. Any proposed changes shall be submitted for review to the Executive Director for consistency with this condition of approval. The color of the development shall be maintained as necessary to maintain the approved color.

10. All disturbed areas shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.
11. To the extent practical, all existing tree cover, and vegetation shall be retained and protected from damage as described in the approved project description, site plan and elevation drawings, and Courtney Road Project Oak Tree Inventory. No additional trees shall be removed, unless otherwise necessary for safety purposes. The number of shrubs and trees removed or limbed shall be the minimum necessary to complete the project.
12. Klickitat County shall be responsible for implementing and complying with the proposed mitigation measures and best management practices described in the approved Wetland Mitigation Plan (*Klickitat County Courtney Road Realignment Mitigation Report, Skillings Connolly, 2019*). Klickitat County shall be responsible for monitoring the proposed measures as detailed in the report:
 - A. 90 percent of manually planted tree and shrub species will survive by the end of the first year. By the end of the second year, 80 percent survival will be considered a success. By the end of the fifth year, 75 percent survival shall be considered a success. By the end of each subsequent year, from year six to year ten, 70 percent survival will be considered a success.
 - B. An annual monitoring report shall include a summary of maintenance and contingency measures implemented during the previous monitoring period. Monitoring shall include site visits requiring a biologist to take vegetative plant counts for verification against the planting plan implemented for the mitigation areas. Recorded data will include *photographic* evidence and a percent count of plant performances over the duration of the monitoring period.
 - C. If performance standards are not being met, the County will identify contingency measures and make recommendations in the monitoring reports.
13. Heavy machinery shall stay out of the wetland, except for the excavation of the newly created wetland. A biologist shall demarcate existing vegetation for protection with high visibility fencing or be present at the time of excavation to direct activities that will avoid disturbance to these areas.
14. Wetlands restoration, creation, and enhancement efforts shall be completed before the wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the road is occupied or used.
15. Klickitat County shall follow mitigation measures and best management practices described in the approved Biological Evaluation (*Hannah Belloli, Skillings Connolly, 2019*).
16. Klickitat County shall follow the proposed mitigation measures and best management practices described in the Wildlife and Rare Plant Survey Technical Memo (*Hannah Belloli, Skillings Connolly, 2019*).
17. Klickitat County shall be responsible for implementing and complying with the proposed mitigation measures and best management practices described in the approved Oak and Wildlife Conservation Plan (*Underwood Conservation District, 2020*). Klickitat County shall develop and maintain an onsite monitoring program including annual reports to ensure the success of the proposed mitigation actions. The reports shall include:
 - A. A post-construction report shall include a summary of measures implemented and *photographic* evidence of conifers thinned, high-value trees retained, squirrel nests avoided, and length of fence removed or retrofitted to be wildlife friendly.
 - B. An annual report submitted for three years that documents and monitors plantings with photos, notes on success, replacements if needed, and invasive species removal.

18. All nesting trees shall be removed during the months of November to February, at the time of the year when the wildlife is least sensitive to disturbance.
19. Higher value Oregon white oak trees (based on *WDFW's Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands*) will be replaced at the following ratios: 5:1 for large oaks greater than 20" dbh, and 3:1 for medium sized oaks 12" – 20" dbh. The applicant proposes to remove thirty-six medium sized oaks and four large sized oaks for CRP 342, and nine medium sized oaks and four large oaks for CRP 343.
20. All replacement fencing shall adhere to the following specifications:
 - A. The top wire is not more than 42 inches high, to make it easier for deer to jump over the fence;
 - B. a gap of at least 10 inches is maintained between the top two wires to make it easier for deer to free themselves if they become entangled;
 - C. the bottom wire is a smooth wire, placed at least 16 inches above the ground to allow fawns to crawl under the fence
 - D. stays, or braces placed between strands of wire, are positioned between fence posts where deer are most likely to cross, creating a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
21. Prior to decommissioning activities, (including filling the roadbed with imported soil, planting native plants, and filing or grading to restore topography), an archaeologist shall inspect the plans, and confer with the work crew regarding the details of the project. Klickitat County road engineers and inspectors shall be briefed so that no unplanned impacts happen. During the filling and planting, an archaeologist shall be present to spot monitor the activities.
22. 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.
23. 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.
24. 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. P

DATED AND SIGNED THIS 18 day of June 2020 at White Salmon, Washington.


Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:

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

This decision of the Executive Director becomes void on the ___ day of June 2022 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 18 day of July 2020.

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Appeal 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, 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 C19-0019

Approved site plans

Oak and Wildlife Conservation Plan (Underwood Conservation District, 2020)

List of Recommend Seed Mixes for East Side Environments

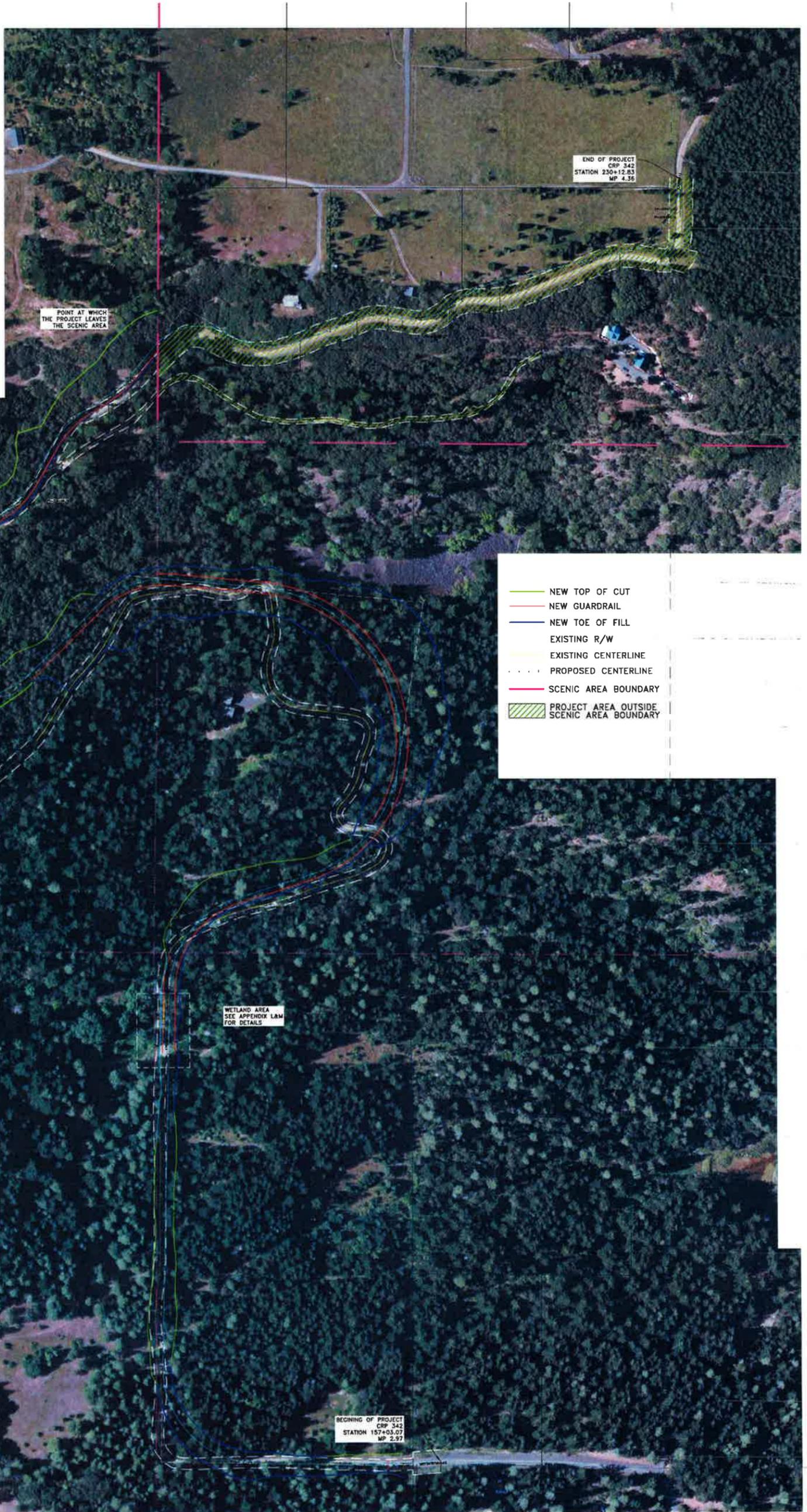
APPROVED

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Courtney Road CRP 342



0 50 100 200 300
SCALE (feet)



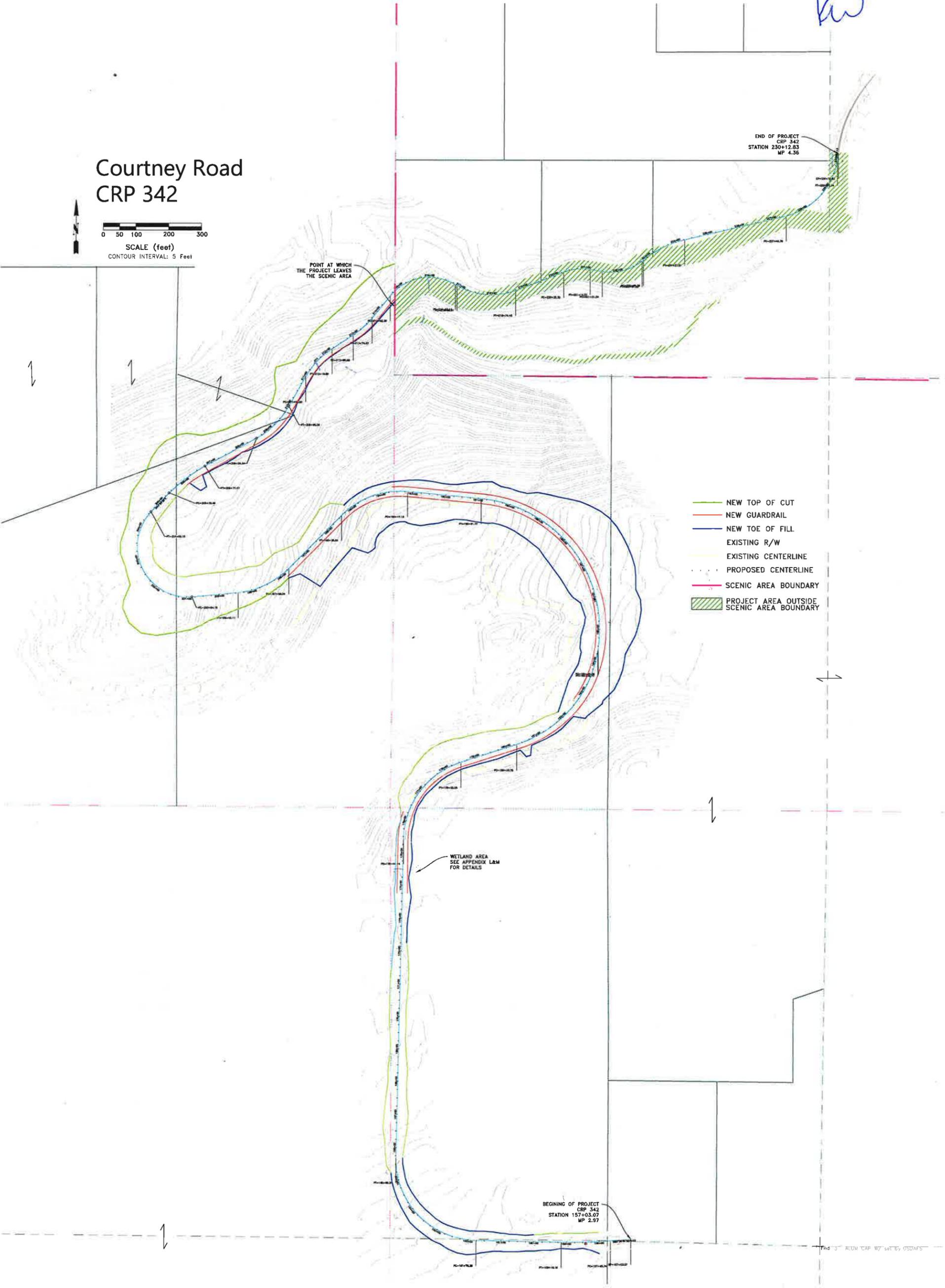
APPROVED

kw

Courtney Road CRP 342



0 50 100 200 300
SCALE (feet)
CONTOUR INTERVAL: 5 Feet



POINT AT WHICH
THE PROJECT LEAVES
THE SCENIC AREA

END OF PROJECT
CRP 342
STATION 230+12.83
MP 4.35

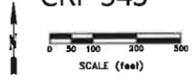
WETLAND AREA
SEE APPENDIX L&M
FOR DETAILS

BEGINNING OF PROJECT
CRP 342
STATION 157+03.07
MP 2.97

- NEW TOP OF CUT
- NEW GUARDRAIL
- NEW TOE OF FILL
- EXISTING R/W
- EXISTING CENTERLINE
- PROPOSED CENTERLINE
- SCENIC AREA BOUNDARY
- PROJECT AREA OUTSIDE SCENIC AREA BOUNDARY



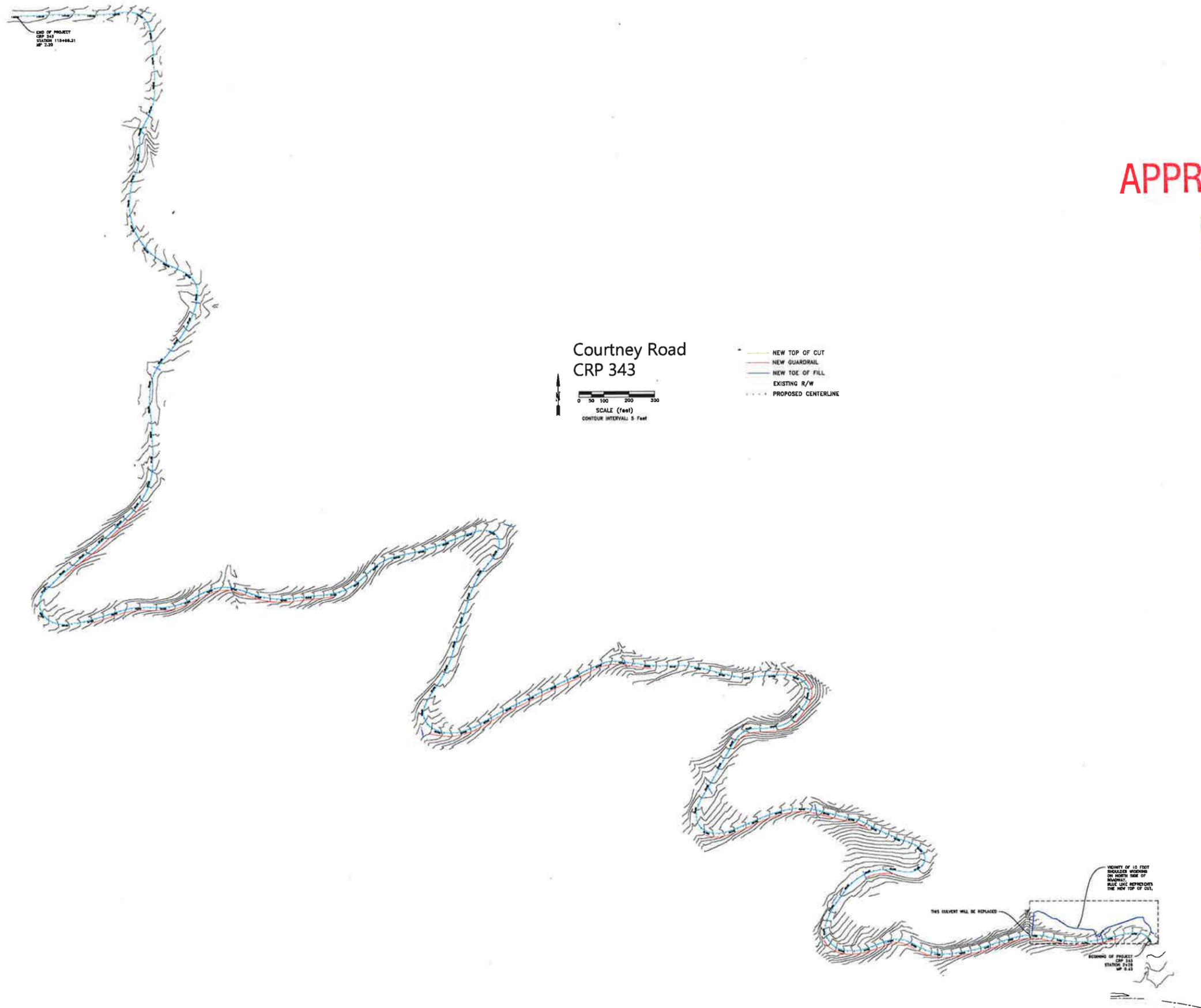
Courtney Road
CRP 343



- NEW TOP OF CUT
- NEW GUARDRAIL
- NEW TOE OF FILL
- EXISTING R/W
- PROPOSED CENTERLINE

APPROVED
KW





APPROVED

Kw

Oak and Wildlife Conservation Plan

Klickitat County

Site: Courtney Road

Prepared by:
Underwood Conservation District

April 2020

This plan is not comprehensive of all natural resource conservation opportunities for this project, but rather is focused on addressing specific outstanding concerns with the Columbia River Gorge National Scenic Area (CRGNSA).

Property Description

Section, Township, Range:	T03 N R11 E S28
Latitude / Longitude:	45.709947, -121.426767
Number of Acres:	11.3 Acres of new impact; 2.25 Acres of existing ROW
Land Use:	<i>Klickitat County Land Use Codes 11, 83, 88; CRGNSA Special Management Area and General Management Area, Landuse Designation: Small-Scale Ag</i>
WRIA:	29
Elevation:	1600ft at the southern end of project area to 2150ft at the northern end of project area
Average Annual Precipitation:	14.5 inches
Average Annual Temperature:	Avg. high of 87°F (July) /avg. low of 29°F (January)

Project Objectives

Klickitat County is proposing a road improvement project for Courtney Road, involving widening, re-alignment and paving, in order to improve sight lines, neighborhood egress, winter maintenance, and emergency vehicle access. Road drainage, guardrails, road signage, and local driveway/road intersections will also be improved as part of the project.

The project will impact an approximate total of 10.5 acres within the Columbia River Gorge National Scenic Area, beginning at milepost (MP) 2.97 and ending at MP 4.36. The area between MP 4.07 and MP 4.36 is outside of the National Scenic Area, and is not included in this plan.

This Oak and Wildlife Conservation Plan is intended to identify mutually agreeable and biologically relevant mitigation actions to offset the impacts to wildlife and habitat associated with the road project. Underwood Conservation District is a local, non-regulatory natural resource agency and provides information and advice to partners and willing cooperators. No part of this plan is intended to supersede or replace other project permits or requirements, regulated at the local, state or federal level. This plan may be referenced as an advisory resource in the County's project planning and the Columbia River Gorge Commission's permit review process.

Resource Concerns

Water Resources

Wetland and Stream

Water sources for wildlife are present and accessible along the project area at wetlands and stream corridors, providing long-term benefits to wildlife.

The County has prepared a Wetland Mitigation Plan to outline the proposed mitigation to compensate for impacts to a 9,921 square feet, Category I wetland and associated stream. The total area of impact is 772.16 square feet, and a mitigation ratio of 6:1 will be enforced, in compliance with the Klickitat County Critical Areas Ordinance. A new wetland area, 'Wetland A', will be created adjacent to the impacted area, and will be 4,632 square feet in size. A road culvert replacement and excavation along the road alignment will help maintain the hydrology for the new wetland area.

Details of planting, maintenance and monitoring activities are included in the County's Wetland Mitigation Plan, and are recommended to maximize the success of mitigation along any surface water. If needed, Underwood Conservation District is available for additional information. The long-term benefits of restoring native plants in and around wetland and riparian areas include decreased erosion, decreased soil compaction, protection of water quality, increased shade (lower water temperatures), higher-quality habitat, moisture retention of soils, and aquifer recharge.

Plants and Wildlife Resources

The project involves road construction along approximately 10.3 acres of forest land, mostly mixed oak and oak-pine/Douglas-fir forest. Identified Washington Department of

Fish and Wildlife (WDFW) Priority Habitats on the property include: *Oak Forest, Oak/Pine Mixed Forest, Mule and Black-Tailed Deer Winter Range, California Mountain Kingsnake Habitat, and Western Gray Squirrel Habitat*¹. The Western Gray Squirrel is listed as a threatened species in Washington State.

Oregon White Oak Woodland

Recognized as a unique habitat type in Washington State, WDFW published a guidance document for Oregon White Oak Woodlands. The following excerpt from *Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands* (WDFW 1998) describes the habitat value to wildlife:

“Oregon white oak woodlands are used by an abundance of mammals, birds, reptiles, and amphibians. Many invertebrates, including various moths, butterflies, gall wasps, and spiders, are found exclusively in association with this oak species. Oak/conifer associations provide contiguous aerial pathways for animals such as the State Threatened western gray squirrel, and they provide important roosting, nesting, and feeding habitat for wild turkeys and other birds and mammals. Dead oaks and dead portions of live oaks harbor insect populations and provide nesting cavities. Acorns, oak leaves, fungi, and insects provide food. Some birds, such as the Nashville warbler, exhibit unusually high breeding densities in oak. Oaks in Washington may play a critical role in the conservation of neotropical migrant birds that migrate through, or nest in, Oregon white oak woodlands.”

The project will impact approximately 4 acres of oak woodland, based on an analysis of aerial photos, and includes the removal of 2,783 oak trees, as categorized in the table below. Only a small proportion of the oak trees being removed are identified as high-value habitat trees (based on WDFW's *Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands*; medium and large-size class trees, as well as those with well-formed, dominant crowns are recommended for retention).

WDFW size class	Diameter at breast height (dbh)	# proposed for removal
Small	<12"	2743
Medium	12-20"	36
Large	20" +	4

The mitigation actions identified below include measures focusing on the long-term replacement of the 40 high-value, medium-large Oregon White Oak trees.

¹Washington Department of Fish & Wildlife, PHS on the Web <http://apps.wdfw.wa.gov/phsontheweb/>.

Western Gray Squirrel Habitat

In Washington, Western Gray Squirrels are associated with transitional forests of ponderosa pine, Oregon white oak, Douglas-fir and various riparian tree species². The Klickitat population (Klickitat, Yakima, and eastern Skamania counties) is one of three known populations in Washington State. Seven Western Gray Squirrel nesting trees have been identified and are planned for removal in the project area. Avoidance of identified Western Gray Squirrel nests is the preferred approach, whether or not the nests are currently inhabited, as they may be used again in subsequent years. The mitigation actions identified below will help reduce short-term construction impact, and restore or enhance Western Gray Squirrel habitat.

Mule and Black-Tailed Deer Winter Range Habitat

Deer forage and habitat needs include shrubs, mid-story vegetation, and early season grasses and forbs. Also needed are appropriate travel corridors and access to watering sources. The property currently has some of these elements, but will be further impacted by the widening and re-alignment of the road. Additional or replacement fencing along the roadside could also have an impact on the movement of deer. The mitigation actions identified below will help protect and enhance the habitat features that Mule and Black-Tailed Deer depend upon.

California Mountain Kingsnake Habitat

The California Mountain Kingsnake has a very limited habitat range in Washington, with the only known occurrences being in the Columbia River Gorge in Skamania and Klickitat Counties. The following are recommendations for protection of California Mountain Kingsnake habitat, from the *WDFW Management Recommendations for Washington's Priority Species Volume III: Amphibians and Reptiles*:

“...dead and down woody material and organic surface debris should be left for cover, as should talus and other rocky areas. Adjacent open areas may be equally important for thermoregulation and digestion. Oak and pine forested riparian corridors containing surface water should be left undisturbed as habitat for the California mountain kingsnake. Tree and shrub-covered streambanks provide an important moist microclimate.”

The mitigation actions identified below will help protect and enhance the habitat features the California Mountain Kingsnake requires.

² Washington Department of Fish & Wildlife, Western Gray Squirrel Recovery Plan. 2007.

Mitigation Actions

The following mitigation actions are presented for consideration to help protect, restore or enhance the multiple resource concerns identified above. While these practices are described generally here, additional consultation with Underwood Conservation District and other natural resource professionals is recommended to implement them successfully.

On-Site Habitat Mitigation

- Protect existing oak and large conifer trees from collateral damage during road construction activities. High-value trees should be flagged for protection and communicated to the construction contractor. The Oregon State University Extension guidebook titled, *Tree Protection on Construction and Development Sites*³, provides important guidelines for incorporation into contract specifications for the road construction. Underwood Conservation District is available to provide additional recommendations for best management practices during construction for the protection of oak and large conifer trees, if needed.
- Develop and implement a Planting Plan to replace the highest value oak trees lost in this project. The plan will outline the locations and approach for the successful planting 150 new Oregon White Oak seedlings. This total is based on a 3:1 ratio for medium oak trees and a 5:1 ratio for large oak trees, as agreed upon with Columbia River Gorge Commission staff and Klickitat County Commissioner Dave Sauter and staff at their Wednesday, February 26, 2020 meeting. Areas disturbed by construction activities will be replanted with native shrubs and early season native grasses and forbs. Underwood Conservation District is available to consult with the County in developing the Planting Plan. Long-term monitoring and maintenance of these plantings is recommended to ensure successful establishment.
- Restore and replant, in areas where the road is being decommissioned, with appropriate native species, including grasses, groundcovers, shrubs, oaks and other trees, where appropriate. Some of these areas could be filled to restore the original slope. Scarifying and placing soil on top of the old road surface will significantly improve planting success. Any fill or soil that is imported to these areas should be weed-free, and bare soil should be covered with weed-free straw, hydro-seed or other mulch to prevent invasive species establishment. Details for this work will be included in the Planting Plan, described previously. Underwood Conservation District is available to consult with the County, and long-term monitoring and maintenance of plantings is recommended to ensure successful establishment.
- Manage for invasive species during and after project implementation. Any fill or soil that is imported to the project should be weed-free, and bare soil should be covered with weed-free straw, hydro-seed or other mulch to prevent invasive species

³ OSU Extension publication #EM 8994, December 2009,
<https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em8994.pdf>

establishment. Fill and soil, both disturbed or imported by the road construction project, will be vulnerable to weed infestation, and early detection/rapid response of noxious weeds will be critical to long-term management. Weed removal and replacement with competitive native plant species will help minimize impacts of the project and improve wildlife habitat in the future.

- Thin existing conifers in oak/pine and oak/Douglas-fir stands to release existing oak from conifer encroachment. Existing oak trees should be protected during this activity. This activity could take place in numerous areas along the project area, but is focused in the northern-most 'Oak Woodland Improvement Area' on the County's Mitigation Plan Map (dated 3/5/20). Underwood Conservation District is available to consult with the County on appropriate locations within the project area and best practices for oak release work. UCD will also provide recommendations for on-site woody slash management from removed trees to provide benefit to wildlife habitat, while minimizing wildfire risk and likelihood of beetle infestation, and other recommendations as needed.
- Thin existing Douglas-fir/pine stands in the project area in order to improve general forest health and reduce wildfire risk. This activity could take place in numerous areas along the project area, but is focused in the southern-most 'Oak Woodland Improvement Area' on the County's Mitigation Plan Map (dated 3/5/20). Underwood Conservation District is available to consult with the County to identify site-specific recommendations for thinning and enhancement work, including woody slash management from removed trees on site to provide benefit to wildlife habitat, best management practices for pine tree slash to minimize likelihood of beetle infestation, and other recommendations as needed.
- To protect wildlife travel corridors in the project area, any fencing within the road right of way that is unnecessary or otherwise unfriendly to wildlife crossing will be modified or removed altogether. Any new fencing installed should adhere to the following specifications:
 - The top wire is not more than 42 inches high, to make it easier for deer to jump over the fence;
 - A gap of at least 10 inches is maintained between the top two wires to make it easier for deer to free themselves if they become entangled;
 - The bottom wire is a smooth wire, placed at least 16 inches above the ground to allow fawns to crawl under the fence;
 - Stays, or braces placed between strands of wire, are positioned between fence posts where deer are most likely to cross, creating a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
- Wetland and riparian area mitigation actions will follow the requirements as outlined in Appendix M, Wetland Mitigation Plan, as well as all federal, state, and local permits.

Off-Site Habitat Mitigation

- Mitigate for loss of existing oak habitat in this project at a ratio of 1:1, which is estimated at 4 acres based on an analysis of aerial photos (see attached Forest Type Map). The off-site mitigation activities may take place on contiguous public lands within the Columbia River Gorge National Scenic Area in Klickitat County, and should be developed with an experienced consultant and performed by knowledgeable contractors. Off-site mitigation activities, depending on site needs, could include a combination of habitat enhancement and/or restoration projects such as thinning encroaching conifers in high value oak habitats, planting oak seedlings, and creation of wildlife habitat features.

Monitoring Recommendations

The following monitoring activities correspond with the types of mitigation listed above:

- Photo-monitoring
- Vegetation/plant survival surveys
- Early detection of invasive species
- Wetland monitoring will be conducted for a period of ten years, as required by and using the Performance Standards of, the US Army Corps of Engineers. See 'Appendix M Wetland Mitigation Plan', Skillings Connolly, Inc., for further detail.

Conclusion

This project area is rich in natural resources and habitat that are valuable to this region and relatively unique to the state of Washington. By implementing the recommendations presented in this plan, the negative impacts of the project can be minimized and the natural resources can be protected, enhanced, and replaced in the long-term. Given the limitations of the road location and engineering needs for road design and safety, this plan is aimed at providing the most beneficial outcome for all parties as well as the natural resources and wildlife habitat on this site.

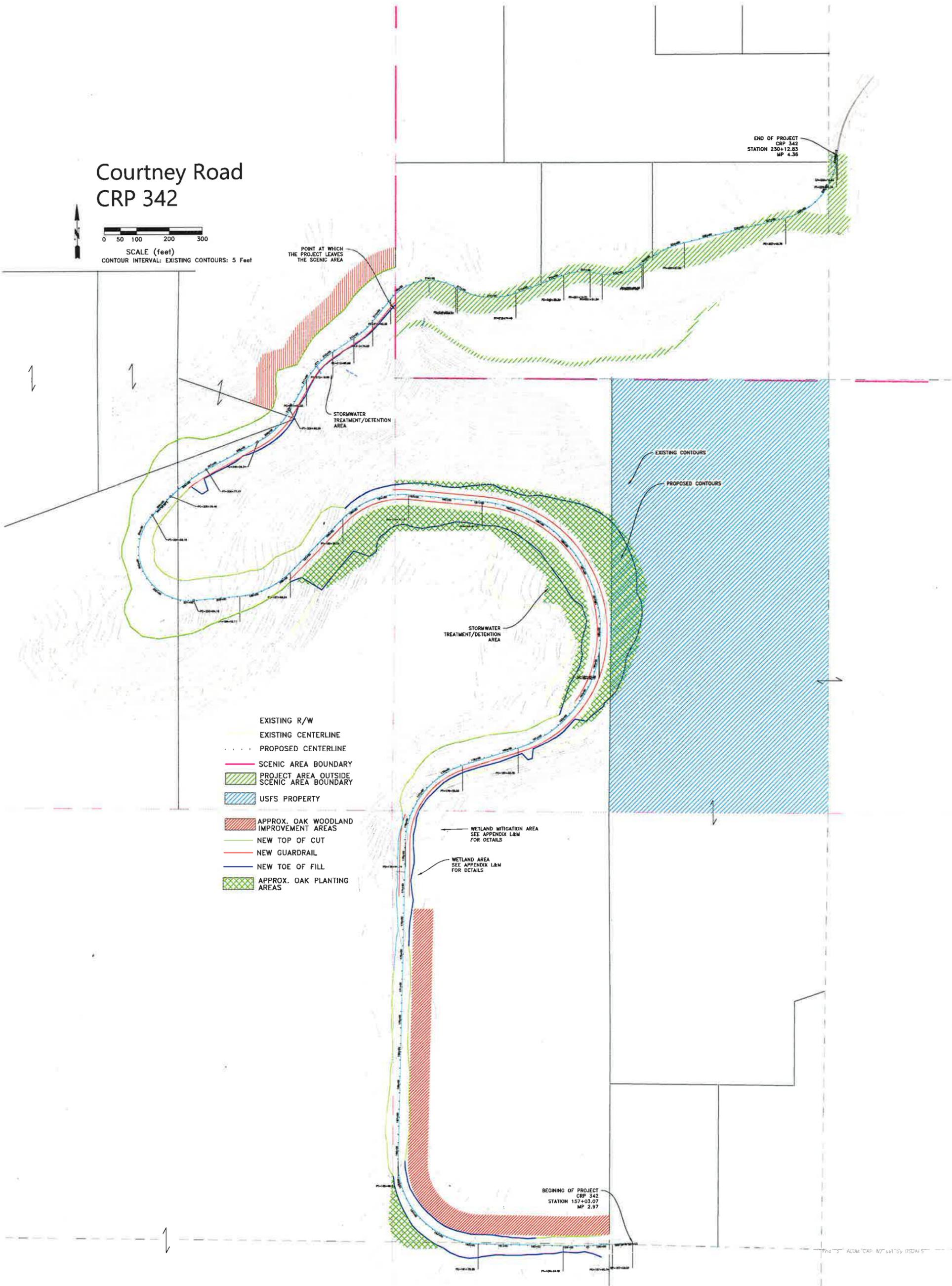
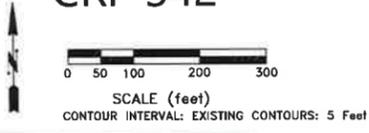
Attachments

OSU Extension's *Tree Protection on Construction and Development Sites*, found at: <https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em8994.pdf>

Klickitat County's Mitigation Plan Map, dated 3/5/20

Forest Type Map, dated 5/1/20

Courtney Road CRP 342



- EXISTING R/W
- EXISTING CENTERLINE
- PROPOSED CENTERLINE
- SCENIC AREA BOUNDARY
- PROJECT AREA OUTSIDE SCENIC AREA BOUNDARY
- USFS PROPERTY
- APPROX. OAK WOODLAND IMPROVEMENT AREAS
- NEW TOP OF CUT
- NEW GUARDRAIL
- NEW TOE OF FILL
- APPROX. OAK PLANTING AREAS

WETLAND MITIGATION AREA
 SEE APPENDIX L&M
 FOR DETAILS

WETLAND AREA
 SEE APPENDIX L&M
 FOR DETAILS

BEGINNING OF PROJECT
 CRP 342
 STATION 157+03.07
 MP 2.97

END OF PROJECT
 CRP 342
 STATION 230+12.83
 MP 4.36

Courtney Road Realignment Project

Forest Types



Legend

-  Existing ROW (approx)
-  Non-forest
-  Conifer: 6.2 Acres
-  Oak Mix: 4.1 Acres

280 140 0 Feet



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

APPROVED
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**Recommended Seed Mixes, Mulch, and Fertilizer
 for Temporary and Permanent Revegetation in East Side Environments**
 Based on recommendations from Andrea Ruchty, district botanist, GPNE, Mt. Adams Dist.,
 and Robin Dobson, CRGNSA botanist

Native Seed Mixture #1: Recommendations for Composition and Application Rates		
Species	Hand Seeding including Handheld Spreaders	Hydromulcher
blue wildrye (<i>Elymus glaucus</i>)	20 lbs/acre	15 lbs/acre
California brome (<i>Bromus carinatus</i>)	20 lbs/acre	15 lbs/acre
slender hairgrass (<i>Deschampsia elongata</i>)	10 lbs/acre	5 lbs/acre
broadleaf lupine (<i>Lupinus latifolia</i>)		
Idaho fescue (<i>Festuca idahoensis</i>)		
Total	50 lbs/acre	35 lbs/acre

Native Seed Mixture #2: Recommendations for Composition	
Species	% by wt.
California Brome (<i>Bromus carinatus</i>)	20
Sheep fescue (<i>Festuca ovina</i>)	40
Blue wildrye (<i>Elymus glaucus</i>)	10
Canada bluegrass (<i>Poa compressa</i>)	10
Blue bunch wheatgrass (<i>Agropyron spicatum</i>)	20
Sickle-keeled lupine (<i>Lupinus albicaulis</i>)	5 oz./100# seed
America vetch (<i>Vicia Americana</i>)	5 oz./100# seed

Non-Native Seed Mixture: Recommendations for Composition and Application Rates	
Species	Application Rate
Annual ryegrass (<i>Lolium multiflorum</i>)	10 lbs/acre (fine seed)
Perennial ryegrass (<i>L. perenne</i>)	10 lbs/acre (fine seed)
Soft white winter wheat (<i>Triticum aestivum</i>)	40 lbs/acre
Sickle-keeled lupine (<i>Lupinus albicaulis</i>)	10 lbs/acre
TOTAL	70 lbs/acre

Herbaceous plants can be added after seeding:

Chrysothamnus nauseosus (rabbitbrush)	1 -2 oz./ac.
Achillea millefolium (Yarrow)	1 -2 oz./ac.
Eriogonum strictum	1 -2 oz./ac.
Lupinus bicolor or latifolius var. thompsonianus	1 -2 oz./ac.
Eriophyllum lanatum (Oregon sunshine)	1 -2 oz./ac.
Bitter brush (Purshia tridentate)	10 small plants/ac.
Arrowleaf Balsam root	

Notes:

Application Method: Hand or machine, ideally in the fall. Machines such as hydromulchers, usually have agitators which keep the seed well mixed and applied evenly. In hand-seeding operations it is more difficult to achieve an even distribution of seed. For this reason more lbs /acre have been prescribed to compensate for inadvertent patchiness. Hand seeding should utilize two passes of the area: 1 pass for small, fine seed such as slender hairgrass, and a second pass for the larger seeded species such as blue wildrye and California brome. Rice hulls may need to be added to the DEEL to get dispersion distance. Contact with the soil is very important, best results are achieved when the seed is lightly raked or pressed into the soil.

Seed Storability: Generally grass and forb species will hold reasonable germination (>80%) for 6-7 years in uncontrolled conditions. Thin-coated species such as *Bromus* will hold only 2-3 years or so.

Seed Source: Try to use appropriate local seed source for natives. Some flexibility for elevation is ok in a pinch. One native seed source is Bolson Seed Company, La Grande, OR (541)965-8285. Milestone Nursery (Lyle), Inside Passage Seed Co., Oregon Wholesale Seed Company (<http://www.oregonwholesaleseed.com/>), Rainier Seeds, Hughes Feed and Grain (the Dalles) and Dallesport Seed are other possible sources of seed, as well.

Fertilizer: Where there is a good "A" horizon probably don't need fertilizer. For sites with little organic matter use 200 lbs 16-20-0 /ac.

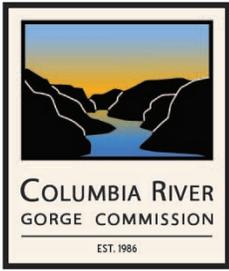
Mulch: Use certified weed free straw mulch whenever possible. Only 1-2" (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project areas, straw derived from native species is preferred. If not available, then straw from short-lived or non-persistent mulch sources such as annual rye or cereal grain seed production fields would be the next choice.

Using weed-free straw mulch is an important component in our strategy to control the spread of invasive species on the Forest. Weed-free straw is still a developing resource and its availability may be variable. Finding it will likely take some looking around. Oregon and Washington currently have weed-free certification programs. See the following websites for current lists of weed-free straw suppliers:

- ✓ http://www.nwcb.wa.gov/WWHAM/WWHAM_suppliers.htm
- ✓ http://oregon.gov/ODA/CID/weed_free_forage.shtml

The following are some more potential contacts for weed-free straw:

- Elwyn Crutcher, Stanwood, WA, 360-939-2334 (he will deliver for a charge, is generally sold out by spring).
- Wallowa County Hay Growers Association:
<http://www.certifiedwallowacountyhay.com/>
- John Williams, OSU Extension in Wallowa County, 541-426-3143.
- Randy Black, Oregon Dept of Agriculture, 503-986-4620.
- Allen Schnetzky, Weed Supervisor, Wallowa County 541-426-3332.



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

CASE FILE: C19-0019

PROPOSAL: The Columbia River Gorge Commission has received an application for improvements to Courtney Road. Improvements include widening and pavement repair for 2.16-miles of road between MP 0.04 and MP 2.20, and reconstruction including realignment, guardrails, culverts, stormwater treatment areas, signage, and improvements to roadway intersections for 1.39 miles of road between MP 2.97 to MP 4.36.

APPLICANT: Klickitat County

LANDOWNERS: The following own lands within or adjacent to the project site; this notice does not distinguish owner of the land by easement, right-of-way, or other means:

Klickitat County
United States Forest Service
Washington State Department of Transportation
Friends of the Columbia River Gorge Land Trust
Jimmie Bauguess
Charles Bloom
Lauren Boudreaux
J Davidson
Fred Heany
Leitmar Keskula
Kreps Ranch, LLC.
David Leibbrandt
Margaret Palardy
Lee Strom
Ben Strackany
Bernard Versari

LOCATION: The subject parcels are located on Burdoin Mountain, in Sections 27, 28, and 34, Township 3 North, Range 11 East, W.M., Klickitat County.

LAND USE

DESIGNATION: General Management Area – Small-Scale Agriculture, 80-acre minimum parcel size
General Management Area – Large-Scale Agriculture, 160-acre minimum parcel size
Special Management Area – 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
Skamania County
Washington Natural Heritage Program
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Written comments were received from Steve McCoy, Attorney for Friends of the Columbia River Gorge; Christian Nauer, Archeologist Confederated Tribes of the Warm Springs Reservation of Oregon; Fred Heany, adjacent property owner; and Charles Bloom, adjacent property owner.

FINDINGS OF FACT:

A. LAND USE

1. Klickitat County has applied to the Gorge Commission for improvements to Courtney Road. The primary purpose of the project is public safety.

Currently Courtney Road (between MP 2.97 and MP 4.36) consists of a single lane gravel road with tight curves and limited site distance on a steep gradient. This causes restrictions for vehicles being able to pass each other, the size of vehicles, including some emergency vehicles, and restrictions to maintenance activities such as snowplowing.

The proposed improvements will result in Courtney Road being two lanes and paved along its entire length, which will allow it to function as an alternative evacuation route for the rural areas north of White Salmon, WA, such as Snowden, and an alternative route for area emergency services. After completion, Klickitat County workers will be able to maintain year-round access more easily in and out of the area. According to Klickitat County Code Title 12 Transportation Standards rules, the road will be designated a "collector road" with a 35-mph speed limit.

The first part of the proposal, titled CRP 342, covers the area from MP 2.97 to MP 4.36. CRP 342 consists of reconstructing this section of roadway to create, at minimum, a 24-foot-wide paved surface. The new roadway will consist of guardrail, paved road surface, gravel shoulder and bottom ditch. The construction will involve major improvements to vertical and horizontal alignments to remove tight corners and improve site distances, replacement of all drainage structures, construction of stormwater treatment areas, installation of new guardrail, permanent signs, and improvements to driveway and roadway intersections to meet current standards.

The second part of the proposal, titled CRP 343, covers the area from MP 0.04 to MP 2.20. CRP 343 consists of pavement repair to create a minimum 22 ft. roadway. Pavement repair includes removing existing pavement and underlying soft materials, replacing the underlayer with a structural gravel section, and a new pavement layer over top. CRP 343 also includes minor widening along the first 485 ft. segment of the project beginning at MP 0.04 to develop a 10 ft. wide shoulder. This widening will support better safety for pedestrians and bicyclists at the busy trailhead just east of the project limits. CRP 343 also includes replacing a failing drainage culvert, adding, and replacing sections of guardrail and improving signing.

2. Commission Rule 350-81-190(1)(l) allows construction, reconstruction, or modifications of roads not in conjunction with agriculture as a review use on lands designated Large-Scale and Small-Scale Agriculture subject to compliance with rules for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620).

Commission Rule 350-81-190(2)(u) allows road construction and reconstruction as a review use on lands designated SMA Agriculture subject to compliance with the rules to protect scenic, cultural, natural, and recreation resource (350-81-520 through 350-81-620). Commission Rule 350-81-190(2)(u) also requires siting the use or development to minimize the loss of land suitable to produce agricultural crops or livestock.

CRP 342, which covers the area from MP 2.97 to MP 4.36, is located on lands designated GMA Small-Scale Agriculture and GMA Large-Scale Agriculture. Two of the parcels designated Small-Scale Agriculture formerly had a SMA designation. In 2004, the U.S. Forest Service designated two of the subject parcels (03-11-2800-0026/00 & 03-11-2800-0012/00) as GMA Small-Scale Agriculture, pursuant to section 8(o) of the National Scenic Area Act. This proposal is a review use on these parcels, pursuant to Commission Rule 350-81-190(1)(l). The U.S. Forest Service owns one parcel within CRP 342 (03-11-2800-0013/00) designated SMA Agriculture. The proposal is a review use for this parcel pursuant to Commission Rule 350-81-190(2)(u). CRP 342 includes minimal disturbance on this SMA-Agriculture parcel, the road itself will not lie on this parcel; only the embankment for the road will lie on this parcel. The project engineer stated the curve was necessary to eliminate the tight corners that currently exist, and that the curve was designed for a 35-mph speed limit.

CRP 343, which covers the area of Courtney Road between MP 0.04 and MP 2.20, is located on lands designated SMA Agriculture. CRP 343 will take place entirely within the existing right-of-way and will not result in any loss of land suitable for agricultural crops or livestock.

3. Commission Rule 350-81-074(1)(a)(H)(iv) allows as a use allowed outright:

Permanent public regulatory, guide, and warning signs, except those excluded below, provided (1) the signs comply with the Manual for Uniform Traffic Control Devices and (2) the support structures and backs of all signs are dark brown with a flat, nonreflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

The applicant proposes permanent signing along the project limits. According to the application materials, all proposed signing will comply with the federal requirements in the Manual for Uniform Traffic Control Devices. The applicant proposes painting the backs of the signs Federal Standard Color FS 30040, a dark brown earth tone color.

4. In the original application materials, Klickitat County did not say how it intended to acquire the land for the proposal. Gorge Commission Staff now understand Klickitat County would prefer to purchase fee title to the land required to realign and reconstruct Courtney Road. Acquiring the land by fee title would require lot line adjustments to shift land from the subject parcels to an existing parcel for the road or dividing the subject parcels to create one or more new parcels for the road. The applicant did not apply for lot-line adjustments or land divisions. However, Staff investigated using lot-line adjustments and land divisions and concludes that fee title acquisition of land for this project does not comply with the Commission's rules for the reasons explained below. However, acquisition of land for this project by easement does not raise any legal issues associated with compliance with National Scenic Area requirements.

The proposal will be located on a total of nine parcels. Six of the parcels are in the GMA. Four of the parcels are designated GMA Small-Scale Agriculture with an 80-acre minimum parcel size and all those parcels are smaller than 80 acres. Two other parcels are designated GMA Small-Scale Agriculture with a 20-acre minimum parcel size and are either at or below the minimum parcel size. Only one parcel, designated Large-Scale Agriculture with a 160-acre minimum parcel size, is currently larger than the minimum parcel size. Lot line adjustments on five of these parcels that are already smaller than, or equal to, the minimum parcel size would cause the parcels to become even smaller. Commission Rule 350-81-126(1)(a)(D) prohibits this situation. The Courtney Road project does not qualify for either of the exemptions in Commission Rule 350-81-126(1)(a)(D)(i) or (ii) and is therefore not eligible for a lot line adjustment.

The remaining two parcels are designated SMA Agriculture and are under 40 acres in size. The U.S. Forest Service owns one parcel. There is no minimum lot size for parcels designated SMA-Agriculture. Commission Rule 350-81-126(2)(d) does not allow parcels smaller than 40 acres to be reduced in size except for two exemptions. The Courtney Road project does not currently qualify for either of the exemptions in Commission Rule 350-81-126(2)(d)(A) or (B) and is therefore not eligible for a lot line adjustment.

Commission Staff also explored whether the land acquired for a road would create a new parcel according to the Commission's definition of "parcel" (Commission Rule 350-81-020(114)). The definition of "land division" in Commission Rule 350-81-020(94) specifically says that the action of dividing land "regardless of use." Dividing an existing parcel for the purpose of buying land by fee title for a road and right-of-way would constitute a land division.

For the parcels in the GMA, Commission Rule 350-81-190(1)(t) allows "Land divisions, subject to the minimum lot sizes designated on the Land Use Designation Map." Because all but one of the affected parcels in the GMA are not large enough to divide in compliance with the minimum parcel size, the Commission cannot approve land divisions of the subject GMA parcels to allow acquisition by fee title. For the parcels in the SMA, Commission Rule 350-81-124 states, "New land divisions in the SMA are not allowed, unless the creation of a new parcel will facilitate acquisition by the federal government to achieve the policies and guidelines in the Management Plan." This rule is required by section 6(d)(5) of the National Scenic Area Act, which requires the Management Plan and all land use ordinances must "prohibit major development actions in the special management areas, except for partitions or short plats which the Secretary determines are desirable to facilitate land acquisition pursuant to {the Act}." Because the project is not for the purpose of land acquisition by the federal government to achieve the policies and guidelines in the Management Plan, the Commission cannot approve land divisions of the subject SMA parcels to allow acquisition by fee title.

Based on the current Commission's rules, right-of-way acquisition by fee title is not possible because it would reduce the size of the existing parcels. The applicant must use right-of-way

easements or other legal means that do not require reducing the overall size of the subject parcels for the road re-alignment project. A condition of approval is included in the Director's Decision making the applicant aware of this requirement.

CONCLUSION:

The proposed development is a review use in the National Scenic Area, subject to compliance with the rules for the protection of scenic, cultural, natural, and recreational resources (350-81-520 through 350-81-620).

B. SCENIC RESOURCES

GENERAL MANAGEMENT AREA: CRP 342 (MP 2.97 to MP 4.36)

1. The proposed development lies within the GMA and a SMA. CRP 342, which covers the area from MP 2.97 to MP 4.36, lies primarily on lands designated GMA and begins with Finding B.2. CRP 343, which covers the area from MP 0.04 to MP 2.20 lies on lands designated SMA and begins with Finding B.25.
2. Commission Rule 350-81-520(1)(a) states:

New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

According to the applicant, except to address issues related to safety, the original alignment of Courtney Road has been maintained. Construction of CRP 342 will require 165,800 cubic yards of excavation and 140,000 yards of fill for embankments. Slopes will be as steep as possible to limit overall impact on the surrounding landscape and keep existing topography. Slopes will vary from 1 foot horizontal to 1 foot vertical (1h:1v) at the steepest cuts to 3 foot horizontal to 1 foot vertical (3h:1v) in fill sections. For the steepest slopes, the applicant proposes a rockery slope treatment as a slope stabilization feature. A rockery is a retaining or protection structure that consists of stacked rocks without mortar, concrete, or steel reinforcement. Klickitat County designed the grading and excavation plan for CRP342 to address safety problems related to sight-distances by removing tight corners, minimizing grading and alteration of existing topography to the extent needed to address these issues. The proposed use is consistent with Commission Rule 350-81-520(1)(a).

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

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

The proposed development does not include any new buildings. Commission Rule 350-81-520(1)(b) does not apply.

4. Commission Rule 350-81-520(1)(c) states:

Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in this chapter.

The applicant proposes new vegetation for CRP 342 as part of the *Wetland Mitigation Report and Oak and Wildlife Conservation Plan*, which are reviewed in Section E of this report. In addition to the wetland mitigation, the applicant proposes to seed, fertilize, and mulch all exposed and bare soils using suggestions in the List of Recommend Seed Mixes for East Side Environments, which is an attachment to the Director's Decision. The List of Recommend Seed Mixes for East Side Environments is a list of seed mixes available locally that applicants can use to identify the appropriate seeds and grasses for drier eastern gorge climates. Reseeding will offset the visual impact from the exposed earth.

A condition of approval is appropriate to require the applicant complete the seeding, fertilizing and mulching activities within a specified time after approval and that the vegetation survives. All disturbed areas shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

5. Commission Rule 350-81-520(1)(e) states:

For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.

The applicant provided a site plan consistent with Commission Rule 350-81-032. The landscape setting for the subject parcel is Oak-Pine Woodland. Commission Rule 350-81-520(3)(c) has design rules for proposed uses in the Oak-Pine Woodland landscape setting. Findings B.21 through B.23 address the applicable rules in Commission Rule 350-81-520(3)(c) using information given in the site plan, consistent with this rule.

6. Commission Rule 350-81-520(2) has rules that apply to developments on sites visible from Key Viewing Areas (KVAs). The proposed development will be topographically visible from nine KVAs: Cook-Underwood Road, Columbia River, Historic Columbia River Highway, Interstate 84, Oregon Highway 35, Rowena Plateau, SR-14, SR-141, and SR-142. The rules of Commission Rule 350-81-520(2) apply to the proposed development. Analysis from KVAs follows below.
7. Commission Rule 350-81-520(2)(b) requires new development to be *visually subordinate* to its setting when viewed from KVAs.

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

Visually subordinate: A description of the relative visibility of a structure where the structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (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.

The proposed road expansion will expand the existing road to 24 ft. of pavement. Currently, the road varies in width from 10 to 15 ft. The applicant proposes to keep the current alignment of the road to the greatest extent practicable except to address safety problems related to sight-distance by removing tight corners. The new segments of road were designed to include steep cut and fill slopes that limit overall impact on the surrounding landscape and properties and keep existing topography. The dark color of the pavement will help to blend with the dark natural colors found

in the landscape. The rockery slope treatment will be constructed using natural dark earth tone colored rock found locally in the region. The natural shape of the rock will help the rockery slope blend in with the landscape. Metal guardrails and the rockery will be treated with a dark Natina® color, and the backs of all signs will be painted Federal Standard Color FS 30040, a dark brown earth tone color to reduce reflectivity of the galvanized metal signs. These elements will help the development achieve the desired scenic standard *visually subordinate*.

Removal of trees and existing vegetation will cause the greatest visible impact of the project. CRP 342 is primarily in a densely wooded area. The applicant will not remove vegetation outside of the proposed right-of-way. The applicant also prepared a *Wetland Mitigation Report* and *Oak and Wildlife Conservation Plan* to mitigate for effects to natural resources, which are reviewed in Section E of this report. As proposed, the project activities will remove 2,778 oak trees. As discussed in Finding B.9, Staff finds the new road alignment will be adequately screened from KVAs by existing vegetation in the vicinity of the project because of the heavily wooded setting of the road and elevation at which the project will be occurring. All of the key viewing areas are lower in elevation than CRP 342 so the heavily wooded setting will effectively screen the road improvements.

The applicant proposes to seed, fertilize, and mulch all exposed and bare soil using suggestions in the List of Recommend Seed Mixes for East Side Environments, which is an attachment with this Director's Decision. This is a list of seed mixes available locally that applicants can use to identify the appropriate seeds and grasses for drier eastern gorge climates. Reseeding will offset and visual impact from the exposed earth. In order to achieve the scenic standard of *visually subordinate*, minimize the visual impacts of grading and tree removal, and ensure the road blends with its setting as seen from KVAs, the following conditions of approval are required applying to new landscaping for CRP 342 pursuant to this rule: To the extent practical, all existing tree cover, and vegetation shall be retained and protected from damage as described in the approved project description, site plan and elevation drawings, and Courtney Road Project Oak Tree Inventory. No additional trees shall be removed, unless otherwise necessary for safety purposes. The number of shrubs and trees removed or limbed shall be the minimum necessary to complete the project. All disturbed areas shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years. The proposed development has been designed and conditioned to achieve the standard of *visually subordinate*.

8. Commission Rule 350-81-520(2)(c) states that the determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

Commission Rule 350-81-020(40) defines "cumulative effects" as:

The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Currently, Snowden Road is the only paved road that accesses the Snowden Area. Courtney Road will create an alternative paved route accessing the area. Currently, Courtney Road is the only

road climbing the northern slope of Burdoin Mountain, and is the only road providing access to residential homes in that area.

To evaluate the cumulative effects of the proposal, Staff analyzed existing development and development potential of the adjacent and nearby lands on Burdoin Mountain's southern slope. Existing development in the vicinity of the proposed project that presents visual impacts includes Courtney Road as currently constructed, SR-14, the BNSF railroad, and the Coyote Wall Recreation Area parking lot. As seen from KVAs in the distance, the area is not densely populated, but existing dwellings and accessory buildings are visibly scattered throughout the landscape. Burdoin Mountain is a large feature in the National Scenic Area and Klickitat County. It climbs to 2,258 ft. elevation at its peak, located just north of Bingen, WA. The southern slope occupies approximately 2,750 acres in the National Scenic Area. 1,500 acres are owned by Kreps Ranch and worked as a cattle ranch, and designated GMA Large-Scale Agriculture with a 160-acre minimum parcel size. This area is located north of Bingen, on the southwest side of Burdoin Mountain. The terrain is extremely steep and rocky. It is primarily a mix of grasslands and mixed stands of oaks and conifers. The southern exposure and undisturbed area have several large and healthy Oregon white oak stands. The land has minimal development, and is primarily maintained for livestock grazing, although it is also used for logging.

The other 1,250 acres are a mix of private and public ownership and is located to the east. This area is less steep and rocky. Coyote Wall is directly to the east and creates steep basalt scree slopes and tall basalt walls that encircle the area and create a geologic syncline stretching from the Columbia River to the top of Burdoin Mountain. The rest of the area is primarily grassy in the lower elevations, but changes to oak and coniferous woodlands in the higher elevations. 750 of these acres are publicly owned by the U.S. Forest Service. The other 500 acres are all privately owned and mostly made up of wooded residential parcels. 300 of those acres are designated GMA Small Scale-Agriculture, and the other 200 acres make up 16 parcels that are designated SMA Agriculture. In this study area there are limited opportunities for future development. The land designated GMA Large-Scale Agriculture has a large minimum parcel size. It will likely stay in agriculture use. Due to the steep rocky nature of the terrain, livestock grazing is the preferred current use. The lands owned by the U.S. Forest Service will similarly not see much future development. Ideally, they will also be managed for healthy forest characteristics that enhance the ecological value of the land. The 500 acres in private ownership will likely see varied development and uses, although it will be predominantly residential. Most of these parcels are already in residential development. All of the parcels are below or at their minimum parcel size. Many of the parcels are heavily wooded, unfenced and retain some habitat value. These parcels are designated either GMA Small-Scale Agriculture or SMA Agriculture, so mixed agriculture uses could also be developed in the future.

The biggest visual impacts will result from the removal of vegetation. As proposed, 2,778 oak trees will be removed due to project activities. However, Staff finds the new road alignment will be adequately screened from KVAs by existing vegetation in the vicinity of the project. CRP 342 is not visible from any KVAs in the foreground. CRP 342 will be visible from three linear KVAs, I-84, the Historic Columbia River, and the Columbia River in the middle ground and background. From these KVAs, the new road surface and wider road will look similar to and be indistinguishable from the current existing road conditions.

To further maintain existing scenic conditions, a condition of approval is included to ensure the sections of the existing roadbed not intended for the new alignment of Courtney Road shall be decommissioned and restored to a natural appearance. This condition helps remove any lasting visual impacts of the decommissioned road and ensures this project does not cause a

proliferation of new development openings in the wooded setting and no cumulative impact to the visual character of Burdoin Mountain and the Coyote Wall area.

The proposed development has been designed and conditioned to achieve the standard of *visually subordinate*. Additionally, the applicant is restoring former sections to ensure the new road sections do not add to the amount of overall development of the setting. Staff finds the measures proposed to minimize the visual effects of the development will ensure there are no adverse impacts.

Staff does not anticipate any other road projects or similar linear projects in this area at any time in the future because there are no roads similar to Courtney Road in the area, and the mitigation proposed avoids adverse impacts. The paved road will provide for the current needs of the area, and will sustain any future needs. The proposal is consistent with Commission Rule 350-81-580(1)(c).

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

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

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

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

<u>KEY VIEWING AREAS</u>	<u>DISTANCE ZONE</u>		
	FOREGROUND	MIDDLEGROUND	BACKGROUND
	0 - 1/4 Mile	1/4 - 3 MILES	Over 3 Miles
Cook-Underwood Road			x
Columbia River		x	x
Historic Columbia River Highway		x	x
Interstate 84		x	x
Oregon Highway 35		x	
Rowena Plateau			x
Washington State Route 14		x	x
Washington State Route 141		x	
Washington State Route 142			x

Klickitat County supplied visual assessments of the impact from KVAs created by Skillings Connolly Environmental. Using GIS inventories and conducting site visits, Staff confirmed the results of the visual assessment provided by Klickitat County. Staff finds the proposed road alignment is intermittently visible from nine KVAs: Cook-Underwood Road for .5 miles, the Columbia River for 12.25 miles, Historic Columbia River Highway for 11.25 miles, I-84 for 11.25 miles, Oregon Highway 35 for .25 miles, Rowena and the Tom McCall Trail for 2.1 miles, and SR 14 for .5 miles. All nine KVAs, except for a short portion of the Tom McCall Trail, are lower in

elevation than the project, and because the project is a road and level with the surface of the ground, much of the road surface will not be visible from these KVAs. The road is set back from the crest of the steep slopes of Burdoin Mountain and rises in elevation from 1,540 feet to 2,100 feet along the project limits. Portions of the new alignment are significantly more screened from KVAs than the current alignment of Courtney Road. At that elevation the project is difficult to clearly see from lower elevation KVAs. As a result, vegetation between the site and KVAs help to screen the project from these KVAs.

As currently established, portions of Courtney Road are intermittently visible from KVAs; however, the area of the proposed alignment is heavily vegetated in all directions with a mix of mature conifers and oak trees, which screen the majority of the existing road from view from all KVAs. The project is most prominent from the Columbia River, the Historic Columbia River Highway and I-84. From these KVAs, especially in and around the area of Mosier, OR, there are small segments of Courtney Road that are visible as the road winds up Burdoin Mountain. From the Historic Columbia River Highway, I-84 and the Columbia River, the site is topographically visible while traveling from Rowena Plateau to Hood River, OR. The development is most visible from the Historic Columbia River Highway. The bike path which extends from Hood River, OR to Mosier, OR, is at approximately 500 ft. elevation for the duration of the path. The development is intermittently visible for the duration of the path.

Removal of trees and existing vegetation will cause the greatest visible impact of the project. Because the road will be widened to 24 ft., vegetation will be removed on both sides of the existing road, which will create a slightly larger cut to the forest when viewed from KVAs. Of the 2,783 oak trees being removed, 2,743 trees are under 12" dbh, small in height, and are considered low value trees (based on WDFW's *Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands*). CRP 342 is primarily in a densely wooded area and the applicant will not remove vegetation outside of the proposed right-of-way. The existing vegetation remaining will still provide adequate screening because the area is so densely forested and there are only a few areas where the new road alignment will be fully exposed to KVAs. These findings are applied where conditions of approval are necessary.

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

Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from Key Viewing Areas, including but not limited to:

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

The findings in this Staff Report include conditions of approval in accordance with this rule.

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

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

As discussed in Section E below, as currently constructed the development lies within the buffer of one wetland and one stream. As currently constructed the road already bisects the wetland and road. Moving the project outside of the wetland and steam buffer zones would have resulted in a larger deviation from the current alignment of Courtney Road and potentially created greater impacts to resources. Similarly, as discussed in Section C, the development does not conflict with cultural resource guidelines. The proposed development is consistent with Commission Rule 350-81-520(2)(e).

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

New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from Key Viewing Areas.

Klickitat County supplied visual assessments of the impact from KVAs created by Skillings Connolly Environmental. The project is topographically visible in the middle ground and background of nine KVAs. The road rises in elevation from 1,540 feet to 2,100 feet along the project limits. All nine KVAs are lower in elevation than the project. Because the project is road and level with the surface of the ground, much of the road surface will not be visible from these KVAs. Existing topography also helps to reduce the visual impact of the road. The road is set back from the crest of the steep slopes of Burdoin Mountain. Existing vegetation to the south and southeast of the proposed road will also help to obscure the road from view.

Klickitat County proposes to keep the current alignment of the road to the greatest extent practicable. The applicant designed grading and excavation to address safety problems related to sight-distance by removing tight corners, minimizing grading and alteration of existing topography to the extent needed to address these issues. Slopes will be as steep as possible to limit overall impact on the surrounding landscape and properties and keep existing topography. Slopes will vary from 1 foot horizontal to 1 foot vertical (1h:1v) at the steepest cuts to 3 foot horizontal to 1 foot vertical (3h:1v) in fill sections. The rockery slope treatment proposed for the steepest slopes will be constructed using natural rock found locally in the region. The rock will be colored with the same Natina® finish as the guardrails to help the rockery slope blend in with the landscape. These elements will help the development achieve the scenic standard of *visually subordinate* and are included as conditions of approval.

The applicant proposes to seed, fertilize, and mulch all exposed and bare soil using suggestions in the List of Recommend Seed Mixes for East Side Environments, which is an attachment with this Director's Decision. This is a list of seed mixes available locally that applicants can use to identify the appropriate seeds and grasses for drier eastern gorge climates. Reseeding will offset and reduce visual impact from the exposed earth. In order to achieve the scenic standard of *visually subordinate*, minimize the visual impacts of grading and tree removal, and ensure the road blends with its setting as seen from KVAs, the following conditions of approval are required applying to new landscaping for CRP 343 pursuant to this rule: To the extent practical, all existing tree cover, and vegetation shall be retained and protected from damage as described in the approved project description, site plan and elevation drawings, and Courtney Road Project Oak Tree Inventory. No additional trees shall be removed, unless otherwise necessary for safety purposes. The number of shrubs and trees removed or limbed shall be the minimum necessary to complete the project. All disturbed areas shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three

consecutive years. The proposed development has been designed and conditioned to achieve the standard of *visually subordinate*.

Removal of trees and existing vegetation will cause the greatest visible impact of the project. The applicant is not removing vegetation outside of the proposed right-of-way. Despite removing vegetation and trees, the existing vegetation is heavy forest, which screens and shades Courtney Road and helps the development achieve visual subordination.

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

Existing tree cover screening proposed development from Key Viewing Areas shall be retained as specified in the Landscape Settings Guidelines in 350-81-520(3).

The development is in the Oak-Pine Woodland landscape setting. Finding B.21 through B.23 address the applicable rules for proposed development in this landscape setting.

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

The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as seen from Key Viewing Areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.

The applicant proposes no new buildings. This rule does not apply.

15. Commission Rule 350-81-520(2)(j) states:

The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

- (A) New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*
- (B) If new landscaping is required to make a proposed development visually subordinate from key viewing areas, 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 make the development visually subordinate within five years or less from the commencement of construction.*
- (C) Unless as specified otherwise by provisions in 350-81-520, 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 350-81-520(3), and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species)

The applicant proposes new vegetation for CRP 342 as part of the *Wetland Mitigation Report* and *Oak and Wildlife Conservation Plan*, which are reviewed in Section E of this report. The applicant proposes to seed, fertilize, and mulch all exposed and bare soil using suggestions in the List of Recommend Seed Mixes for East Side Environments, which is an attachment with this Director's Decision. This is a list of seed mixes available locally that applicants can use to identify the appropriate seeds and grasses for drier eastern gorge climates. Reseeding will offset and visual impact from the exposed earth. In order to achieve the scenic standard of *visually subordinate*, minimize the visual impacts of grading and tree removal, and ensure the road blends with its setting as seen from KVAs, the following conditions of approval are required applying to new landscaping for CRP 342 pursuant to this rule: All disturbed areas shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

16. Commission Rules 350-81-520(2)(l) states:

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

The dark color of the pavement project will help to diminish the visibility of the exposed road segments, and blend with the dark natural colors and shading from the trees found in the landscape. At the distances from which the project will be visible from KVAs, the changes due to paving the road surface will not be discernable.

Metal guardrails will be treated with a dark Natina® coloring, and the backs of all signs will be painted Federal Standard Color FS 30040, a dark brown earth tone color to reduce reflectivity of the galvanized metal signs. These colors will help the development achieve the desired scenic standard *visually subordinate* and are included as conditions of approval.

The rockery slope treatment proposed for the steepest slopes will be constructed using natural dark earth tone colored rock found locally in the region. The natural shape and color of the rock will help the rockery slope blend in with the landscape. The rockery will also be treated with a dark Natina® coloring, the same treatment as the guardrails, so that they are guaranteed to be a dark earth tone color and blend with the landscape. A condition of approval is necessary to specify the Natina® coloring for the rockery.

17. Commission Rule 350-81-520(2)(m) states:

The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.

The proposed use does not involve any new buildings. This rule does not apply.

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

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

No exterior lighting is proposed as part of the application.

19. Commission Rule 350-81-520(2)(z) states:

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas

No new buildings are proposed as part of this application. No new driveways are proposed as part of this application. This rule does not apply. However, as currently proposed, Courtney Road may require new driveways for existing residences. All new driveways and other development not expressly included as part of this proposal will require a separate application, review, and approval from the Gorge Commission prior to construction of the driveways or other development. This is included as a condition of approval with the Director's Decision.

20. 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 grading plan shall include the following:

(A) A map of the site, prepared at a scale of 1-inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:

(i) Existing and proposed final grades.

(ii) Location of all areas to be graded, with cut banks and fill slopes delineated.

(iii) Estimated dimensions of graded areas.

(B) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

(i) Its purpose.

(ii) An estimate of the total volume of material to be moved.

(iii) The height of all cut banks and fill slopes.

(iv) Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)

(v) A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(vi) A description of any other interim or permanent erosion control measures to be used.

The applicant submitted a grading plan consistent with the requirements of this rule. The applicant supplied a geotechnical report that outlined the requirements for the project and the need for steep slopes. Staff used the grading plan to analyze compliance with KVA policies.

21. The Landscape Settings Map in the *Management Plan for the Columbia River Gorge National Scenic Area* classifies the development area as Oak-Pine Woodland. Commission Rules 350-81-520(3)(c)(A) and (B) have applicable rules for the proposed development in this landscape setting.

22. Commission Rule 350-80-520(3)(c)(A) states:

Structure height shall remain below the tree canopy level in wooded portions of this setting.

The project area is in a heavily wooded area. Commission Rule 350-81-020(153) defines structure to include roads. The trees in the surrounding area vary in height from 30 feet to 50 feet. The road will be on the surface of the ground below the tree canopy level.

23. Commission Rules 350-81-520(3)(c)(B) states:

In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordination for new development and expansion of existing development:

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

(ii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

For substantially wooded portions:

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

For treeless portions or portions with scattered tree cover:

(iv) Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.

(v) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.

(vi) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

As discussed in finding B.9 above, the project site is topographically visible from nine KVAs, and as discussed in finding B.7 above, no trees are being planted to achieve *visual subordination*. Finding B.9 also noted that the existing vegetation screens the current road and will continue to screen the proposed road as built. The project is consistent with this rule.

24. Commission Rule 350-81-520(4) applies to all review uses within Scenic Travel Corridors, which includes those lands within ¼ mile of the edge of pavement of the scenic travel corridor roadway.

CRP 342 is not within a 1/4 mile of the edge of pavement of the nearest scenic travel corridor, SR 14. CRP 342 begins at MP 2.97, which is 1.6 miles away linearly from SR 14. Commission Rule 350-81-520(4) does not apply.

SPECIAL MANAGEMENT AREA: CRP 343 (MP 0.04 – MP 2.20)

The proposed development lies within the GMA and a SMA. CRP 342, which covers the area from MP 2.97 to MP 4.36, lies primarily on lands designated GMA and is reviewed in findings B.2 through B.24. CRP 343, which covers the area of Courtney Road between MP 0.04 and MP 2.20 lies on lands designated SMA is reviewed beginning with finding B.25.

25. Commission Rule 350-81-530(1)(a) includes design rules for lands within SMAs based on Landscape Setting, regardless of visibility from KVAs. The subject parcels are in the Oak-Pine Woodland Landscape Setting.

Commission Rule 350-81-530(1)(a)(B) states:

Coniferous Woodland and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland and Oak-Pine Woodland landscape.

(i) Buildings shall be encouraged to have a vertical overall appearance in the Coniferous Woodland landscape setting and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.

(ii) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

No new buildings or structures are proposed as part of CRP 343. The applicant proposes to seed, fertilize, and mulch all exposed and bare soil using suggestions in the List of Recommend Seed Mixes for East Side Environments, which is an attachment to this Director's Decision. As part of CRP 343, twenty-seven oak trees will be removed, including four mature oak trees. This is the minimum number of trees necessary to accommodate the work. To preserve the overall woodland landscape, the following conditions of approval are also required in compliance with this rule: To the extent practical, all existing tree cover, and vegetation shall be retained and protected from damage as described in the approved project description, site plan and elevation drawings, and Courtney Road Project Oak Tree Inventory. No additional trees shall be removed, unless otherwise necessary for safety purposes. The number of shrubs and trees removed or limbed shall be the minimum necessary to complete the project.

An additional condition of approval requires all disturbed areas to be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

26. Commission Rule 350-81-530(2) includes rules for development and uses visible from KVAs. 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.

CRP 343 is visible from the following five KVAs: Columbia River, Historic Columbia River Highway, I-84, Rowena Plateau, and SR 14. Commission Rule 350-81-530(2) rules apply.

27. 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."

Commission Rule 350-81-530(2)(c) specifies the scenic standard for all developments and uses on lands designated Agriculture in the Oak-Pine Woodland Landscape Setting is *visually subordinate*.

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

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

The proposed road expansion will expand the existing road to 22 feet of pavement. Currently, the road varies in width from 18 to 22 feet. The dark color of the pavement project will help to diminish the visibility of the exposed road segments, and blend with the dark natural colors found in the landscape. At the distances from which the project will be visible from KVAs, the changes due to new pavement will not be discernable from the existing road conditions.

Metal guardrails and the rockery will be treated with a dark Natina® color, and the backs of all signs will be painted Federal Standard Color FS 30040, a dark brown earth tone color to reduce reflectivity of the galvanized metal signs. These elements will help the development achieve the desired scenic standard *visually subordinate*.

Removal of trees and existing vegetation will cause the greatest visible impact of the project. As part of CRP 343, twenty-seven oak trees will be removed, including four mature oak trees. The applicant will not remove vegetation outside of the proposed right-of-way. The applicant proposes to reseed all exposed and bare soil with a native seed mix, which will offset and visual impact from the exposed earth. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

Commission Rule 350-81-020(40) defines "cumulative effects" as:

The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

To analyze cumulative effects, Staff analyzed 1,250 acres located on the southeast slope of Burdoin Mountain. The area is a mix of private and public ownership. Coyote Wall is directly to the east and creates a steep basalt scree slope and tall basalt walls that encircle that area and create a geologic syncline stretching from the Columbia River to the top of Burdoin Mountain. The rest of the area is primarily grassy in the lower elevations, but changes to oak and coniferous woodlands in the higher elevations. 750 of these acres are publicly owned by the U.S. Forest Service. The other 500 acres are all privately owned and mostly made up of wooded residential use parcels. 300 of those acres are designated GMA Small Scale-Agriculture, and the other 200

acres make up 16 parcels that are designated SMA Agriculture. In this study area there are limited opportunities for future development. The land designated GMA Large-Scale Agriculture has a large minimum parcel size. It will likely stay in agriculture use. Due to the steep rocky nature of the terrain, livestock grazing is the preferred current use. The lands owned by the U.S. Forest Service will similarly not see much future development. Ideally, they will also be managed for healthy forest characteristics that enhance the ecological value of the land. The 500 acres in private ownership will likely see varied development and uses, although it will be predominantly residential. Most of these parcels are already in residential use. All of the parcels are below or at their minimum parcel size. Many of the parcels are heavily wooded, unfenced and retain habitat value. These parcels are designated either GMA Small-Scale Agriculture or SMA Agriculture, so mixed agricultural uses could also be developed in the future. Existing development in the vicinity of the proposed project that presents visual impacts includes Courtney Road as currently constructed, SR-14, the BNSF railroad, and the Coyote Wall Recreation Area parking lot. As seen from KVAs in the distance, the area is not densely populated, but existing dwellings and accessory buildings are visibly scattered throughout the landscape.

According to the applicant, twenty-seven oak trees will be removed. In order to mitigate for the twenty-seven oak trees to be removed, higher value trees (based on WDFW's Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands) will be replaced at the following ratios: 5:1 for large oaks greater than 20" dbh, and 3:1 for medium sized oaks 12" – 20" dbh. The applicant proposes to remove nine medium oaks, and four large oaks. These requirements are included as conditions of approval in the Director's Decision.

The biggest visual impacts will be from the removal of vegetation. As proposed, twenty-seven oak trees will be removed due to project activities. There will be minimal cumulative effects from KVAs in the foreground because the development is only visible from SR-14 near the intersection with Courtney Road. From KVAs in the foreground, the new road surface and wider shoulder will look similar to the current existing road conditions. From KVAs further away, such as I-84 or the Historic Columbia River Highway, the new road surface and extended shoulder will look similar to existing conditions and create minimal effect to the current visual character of Burdoin Mountain and the Coyote Wall area. The proposed development has been designed and conditioned to achieve the standard of *visually subordinate*. Staff finds the measures proposed to minimize the visual effects of the development will ensure there are no adverse cumulative impacts.

To minimize impacts existing vegetation will be retained to the greatest extent possible. A condition of approval requires all disturbed areas to be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

Courtney Road is a narrow road, with tight corners and limited sight lines. Widening the road will allow for safer passage of vehicles. The wider road shoulder near the intersection with SR-14 and the Coyote Wall recreation area will enhance the safety for vehicles and recreationalists. Future road projects of a similar nature on Courtney Road could result in the cumulative degradation of the study area. It would be harder to mitigate for the impacts and create valuable habitat enhancement opportunities. However, Staff does not anticipate any other road projects or similar linear projects in this area at any time in the future, and the mitigation proposed avoids adverse impacts. The improvements are designed to provide for current and future demands. The proposal is consistent with Commission Rule 350-81-580(1)(c).

28. 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 proposed improvement is for an already established road. The adjacent natural landscape to the proposed development is a mix of seasonally light green and brown grasses and dark colored basalt cliffs and outcroppings for the first mile of the road. The second mile of the road progressively becomes more forested with a mix of mature Oregon white oak and ponderosa pine. New guardrails and traffic signs will be dark earth tone colors, and the road will be black asphalt, helping make the new developments *visually subordinate* and blend with the natural colors of the landscape.

29. 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 proposed improvements are for an already established road. No road realignment or reconstruction is proposed as part of project CRP 343, minimizing grading and modifications to landforms and natural characteristics. As part of CRP 343, twenty-seven oak trees will be removed, including four mature oak trees. No new vegetation is required by the rules of this chapter. The proposed improvements comply with this rule.

30. Commission Rule 350-81-530(2)(f)(A) states:

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 the site is visible.

(v) *The linear distance along the Key Viewing Areas from which the building site is visible.*

KEY VIEWING AREAS	DISTANCE ZONE		
	FOREGROUND	MIDDLEGROUND	BACKGROUND
	0 - 1/4 Mile	1/4 - 3 MILES	Over 3 Miles
Columbia River	x	x	x
Historic Columbia River Highway		x	x
Interstate 84		x	x
Rowena Plateau			x
Washington State Route 14	x	x	x

Using GIS inventories and conducting site visits, Staff found the site is intermittently visible from the Columbia River for 6.5 miles, the Historic Columbia River Highway for 6.5 miles, I-84 for 6.5 miles, Rowena and the Tom McCall Trail for 2.1 miles, SR 14 for 3.50 miles. The new road improvements will not significantly alter the road’s degree of visibility from KVAs. The first mile of the road is more exposed to KVAs because the adjacent landscape is a mix of seasonally light green and brown grasses and dark colored basalt cliffs and outcroppings. The second mile of the road is significantly more screened to KVAs because the area around the road is significantly more forested with a mix of mature Oregon white oak and ponderosa pine. The project is most prominent from the Columbia River, the Historic Columbia River Highway and I-84. From these KVAs, especially near Mosier, OR, there are many longer segments of Courtney Road that are visible as the road winds up Burdoin Mountain. From the Historic Columbia River Highway, the site is topographically visible from the Memaloose Outlook until around the Mosier Tunnels. These findings are applied where conditions of approval are necessary.

31. Commission Rule 350-81-530(2)(f)(B) states:

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.

(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.*

The findings in this Staff Report include conditions of approval in accordance with this rule.

32. 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 C and D, the proposed development is consistent with the applicable cultural resource rules in Commission Rule 350-81-550 and natural resource rules in Commission Rule 350-81-600.

33. 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.

No new buildings or structures are proposed as part of CRP 343; the road will be level with the existing grade of the ground surface, consistent with this rule.

34. Commission Rule 350-81-530(2)(i) states,

Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.

The proposed development does not include any new structures that will break the canopy line in wooded portions of the setting. No new buildings are proposed as part of CRP 343, and the road will be level with the existing grade of the ground surface, consistent with this rule. The trees in the surrounding area generally vary in height from 30 feet to 50 feet.

35. Commission Rule 350-81-530(2)(j) includes rules for new landscaping used to screen development from KVAs:

- (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 applicant proposes to seed, fertilize, and mulch all exposed and bare soil using suggestions in the List of Recommend Seed Mixes for East Side Environments, which is an attachment with this Director's Decision. This is a list of seed mixes available locally that applicants can use to identify the appropriate seeds and grasses for drier eastern gorge climates. Reseeding will offset and visual impact from the exposed earth. In order to achieve the scenic standard of *visually subordinate* and minimize the visual impacts of grading and tree removal, and ensure the road

blends with its setting as seen from KVAs, the following conditions of approval are also required applying to new landscaping for CRP 343 pursuant to this rule: Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years. With these conditions the proposal is consistent with Commission Rule 350-81-530(2)(j).

36. Commission Rule 350-81-530(2)(k) states, “Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from KVAs shall be dark earth-tones found at the specific site or the surrounding landscape.”

The existing road will be repaved with asphalt which will create a dark road surface, similar to existing conditions. The backs of metal traffic signs will be painted Federal Standard Color FS 30040, a dark brown earth tone color. All new metal guardrails will be treated with a dark Natina® color.

37. Commission Rule 350-81-530(2)(l) states,

The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity.

The existing road will be repaved with asphalt which will create a dark road surface with low reflection. Guardrails will be treated with a dark Natina® color, and the backs of all signs will be painted Federal Standard Color FS 30040, a dark brown earth tone color to reduce reflectivity of the galvanized metal.

38. 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 proposed as part of the application. Commission Rule 350-81-530(2)(m) is not applicable.

39. Commission Rule 350-81-530(3) contains rules for all new developments and land uses within KVA foregrounds and immediately adjacent to scenic routes. SR 14 is listed as a Scenic Travel Corridor in Commission Rule 350-81-020(133).

40. Commission Rule 350-81-530(3)(a) through (c) address scenic highway corridor strategies. No state or county scenic route rules apply in this instance as no scenic Corridor Strategy exists for Courtney Road.

41. Commission Rule 350-81-530(3)(d) states:

The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined 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. They shall apply in addition to applicable guidelines in 350-81-530(2).

- (A) *The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements in the previous section and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.*
- (B) *Findings must evaluate the following:*
- (i) *The limiting factors to meeting the required scenic standard and/or applicable guidelines from the previous section,*
 - (ii) *Reduction in project size;*
 - (iii) *Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;*
 - (iv) *Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.*
- (C) *Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as seen from the foreground of key viewing areas:*
- (i) *Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.*
 - (ii) *Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.*
 - (iii) *Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.*
 - (iv) *Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.*

Commission Rule 350-81-020(48) defines *developed road prism* is defined as:

The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

The applicable scenic standard is *visually subordinate*. A portion of the project is in the developed road prism of SR-14 because Courtney Road intersects with SR-14. This is where the applicant proposes minor widening along the first 485-ft. segment of the project to develop a 10-ft. wide shoulder. No new structures are proposed. The existing road will be repaved with asphalt which will create a dark road surface with low reflection.

The proposed widening will support better safety for pedestrians and bicyclists at the busy trailhead just east of the project limits. Because the proposal is for improvements to an existing road, limited opportunities to design and site the road differently than already constructed exist. The extended road shoulder will make Courtney Road appear wider in this location. In order to minimize the visual impacts of the grading and tree removal and ensure the road blends with its setting as seen from the foreground of key viewing areas, the following conditions

of approval are required: To the extent practical, all existing tree cover, and vegetation shall be retained and protected from damage as described in the approved project description, site plan and elevation drawings, and Courtney Road Project Oak Tree Inventory. No additional trees shall be removed, unless otherwise necessary for safety purposes. The number of shrubs and trees removed or limbed shall be the minimum necessary to complete the project. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years. With these conditions the proposal is consistent with Commission Rule 350-81-530(3)(d).

42. Commission Rule 350-81-530(3)(e) states:

Right-of-way vegetation shall be managed to minimize visual impacts of clearing and other vegetation removal as seen from key viewing areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.

The proposed improvements are for an already established road. As part of CRP 343, twenty-seven oak trees will be removed, including four mature oak trees. No new screening vegetation is required by the rules of this chapter (Commission Rule 350-81-530). The applicant proposes to reseed all exposed and bare soil with a native seed mix, grasses based on the Recommended Seed Mixes for Permanent Revegetation in East Side Environments, prepared by the U.S. Forest Service's National Scenic Area Office. This is a list of seed mixes available locally that applicants can use to identify the appropriate seeds and grasses for drier eastern gorge climates. Reseeding will offset and visual impact from the exposed earth.

In order to minimize the visual impacts of the grading and tree removal, the following conditions of approval are also required in compliance with this rule and others: To the extent practical, all existing tree cover, and vegetation shall be retained and protected from damage as described in the approved project description, site plan and elevation drawings, and Courtney Road Project Oak Tree Inventory. No additional trees shall be removed, unless otherwise necessary for safety purposes. The number of shrubs and trees removed or limbed shall be the minimum necessary to complete the project. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

43. Commission Rule 350-81-530(3)(f) states:

Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.

Klickitat County does not propose any new road maintenance, warehouse or stockpile areas. Any new or temporary land uses, such as stockpiling new or waste material, will require a new application and review.

CONCLUSION:

With conditions of approval as discussed above, the proposed development is consistent with the rules in Commission Rules 350-81-520 and 350-81-530 that protect scenic resources in the National Scenic Area.

C. CULTURAL RESOURCES

1. Commission Rule 350-81-540 contains the Cultural Resource Review Criteria for projects in the GMA. Commission Rule 350-81-540(1)(c)(A) requires a cultural resources reconnaissance survey for all proposed uses except those in 350-81-540(1)(c)(A)(iii)(I) through (VI). CRP 342 is in the GMA.
2. Commission Rule 350-81-550(2) states that the procedures and rules in 350-81-540 shall be used to review all proposed developments and land uses other than those on all federal lands, federally assisted projects, and forest practices. CRP 343 is in an SMA, but because it is not on federal lands, the rules of Commission Rule 350-81-540 apply.
3. Commission Rule 350-81-540(1)(c)(C) defines the proposed development as a large-scale use. This rule requires that cultural resource reconnaissance surveys for large-scale uses be conducted by the applicant. The applicant hired Melissa Darby, MA, with Lower Columbia Research and Archeology, LLC to conduct the reconnaissance survey and field work and prepare the Cultural Resources Report. The applicant provided the surveys with the application on October 8, 2019.
4. Commission Rule 350-81-540(1)(c)(F) states:

(i) Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

(ii) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following guidelines:

(I) Archival research shall be performed before any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

(II) Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

(III) Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

(IV) Archaeological site inventory forms shall be submitted to the State Historic Preservation Officer whenever cultural resources are discovered.

The applicant hired Melissa Darby, MA, with Lower Columbia Research and Archeology, LLC to conduct the reconnaissance survey and prepare the Cultural Resources Report. On March 8, 2018, she conducted field work in the area of the proposed development in accordance with this rule.

5. Commission Rule 350-81-540(1)(c)(G) states:

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

(i) A description of the proposed use, including drawings and maps.

(ii) A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

- (iii) A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.*
- (iv) A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale of 1-inch equals 100 feet (1:1,200), or a scale providing greater detail.*
- (v) An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale of 1-inch equals 100 feet (1:1,200), or a scale providing greater detail.*
- (vi) A summary of all written comments submitted by Indian tribal governments and other interested persons.*
- (vii) A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.*

Ms. Darby completed the required Cultural Resources Reports, titled “Cultural Resources Survey of Courtney Road from MP 3.00 to MP 4.69, Klickitat County,” on March 20, 2018, “Cultural Resources Survey of Courtney Road from MP 0.05 to MP 2.15, Klickitat County,” on March 20, 2018. Ms. Darby concluded that the proposed development will have no impact on resources in the area. Ms. Darby did recommend an archaeologist be present to spot monitor the decommissioning activities during filling and planting, and that an archaeologist work with Klickitat County road engineers and work crews prior to project implementation to ensure avoidance of sensitive sites. These recommendations are included as conditions of approval in the Director’s Decision.

The Cultural Resources Report was presented to Chris Donnermeyer, Heritage Program Manager for the U.S. Forest Service Scenic Area Office. Mr. Donnermeyer reviewed the reports for compliance with the requirements for reconnaissance surveys and survey reports for large-scale uses in Commission Rules 350-81-540(1)(c)(F) and (G) and submitted comments in a letter on November 21, 2019. Mr. Donnermeyer concurs with Ms. Darby’s findings that the proposed development has no effect on known cultural resources. Mr. Donnermeyer also concurred with Ms. Darby’s recommendations that an archeologist monitor project activities and brief Klickitat County work crews and engineers to avoid unplanned impacts to cultural resources. These recommendations are included as conditions of approval in the Director’s Decision.

7. Commission Rules 350-81-540(2)(b) and (3)(b) require the Executive Director to submit a copy of all Cultural Resource Reports to the State Historic Preservation Officer (SHPO) and the Native American tribal governments for their review. The rules provide for a 30-day comment period to submit written comments. Pursuant to Commission Rule 350-81-540(2)(b)(A), a copy of Ms. Darby’s report and Mr. Donnermeyer’s letter were sent to the State Historic Preservation Officer and tribal governments on November 22, 2019 for comment. No comments were received following the notice.
8. Commission Rule 350-81-540(2)(c)(B)(ii) states that the cultural resource protection process may conclude when:

A reconnaissance survey demonstrates that cultural resources do not exist in the project area, 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 the reconnaissance survey were voiced by the State Historic Preservation

Officer or Indian tribal governments during the 30- day comment period required in subsection 2(b)(B) above.

Ms. Darby recommends that the development will have no effect on cultural resources, and Mr. Donnermeyer concurs with Ms. Darby's recommended assessment. Initial notice of the proposed development was mailed on November 4, 2019 to interested parties. Staff provided the Cultural Resource Report to the State Historic Preservation Office and the four Native American treaty tribes on November 22, 2019 during the 30-day comment period, which ended December 22, 2019.

The Confederated Tribes of the Umatilla Reservation and Confederated Tribes of the Warm Springs commented on the Cultural Resources Report and concurred with the findings of Ms. Darby and Mr. Donnermeyer. No substantiated concerns were voiced by interested persons within 21 calendar days of the date that the notice of the development review 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 on the Cultural Resources Report. Therefore, the cultural resource protection process may conclude.

9. Commission Rule 350-81-540(1)(g) requires consideration of cumulative effects of proposed developments that require a reconnaissance or historic survey, a determination of significance, an assessment of effect, or a mitigation plan.

Commission Rule 350-81-020(40) defines "cumulative effects" as:

The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Because there will be no effects to cultural resources resulting from this project, this project will not cause cumulative effect to cultural resources.

10. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources 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 within 24 hours of the discovery. This requirement is included in this decision as condition of approval.
11. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval requiring adherence to these measures if human remains are discovered is included in this Director's Decision.

CONCLUSION:

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposed development is consistent with the rules in Commission Rule 350-81-540 and Commission Rule 350-81-550 that protects cultural resources in the National Scenic Area.

D. 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. The project is the realignment and reconstruction of an already existing road. Staff consulted with recreation specialists at the U.S. Forest Service, including Stan Hinatsu. There are established recreation areas in the vicinity including the U.S. Forest Service managed Coyote Wall Recreation Area and "Hospital Hill," an established but unofficial recreation site managed by Kreps Ranch. The shoulder of Courtney Road near the Coyote Wall parking lot will be expanded by 10 feet. The expanded road shoulder will not create new parking spaces. The expanded road shoulder creates a safer area near the parking facility which is adjacent to SR 14 and often congested. Staff does not expect the project will detract from the enjoyment of these recreational sites because the road is currently established, and no trails or recreation sites will be altered by the proposal. As proposed, no buffers are needed.

CONCLUSION:

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

E. NATURAL RESOURCES

GENERAL MANAGEMENT AREA: CRP 342 (MP 2.97 to MP 4.36)

1. Commission Rule 350-81 provides rules 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) in the GMA. Commission Rule 350-81-600 provides rules for protecting water resources, wildlife and plants in SMAs.
2. The upper part of the proposed project, named CRP 342 by Klickitat County, primarily occurs within the GMA.
3. The Gorge Commission's natural resource inventories identify one wetland within the project boundary of CRP 342. The wetland is located at a headwater and narrows into a stream channel which flows east. The western side of the wetland is the headwaters of this stream. The stream flows from the west side of Courtney Road through a culvert to the east side of Courtney road and continues in a south easterly direction into a ponded area located outside of the project boundary. The wetland is located on both the east and west sides of Courtney Road in this location. Commission Rule 350-81-560 has rules for the protection of wetlands in the GMA.
4. Commission Rule 350-81-560(1) states:

Wetlands Boundaries and Site Plans for Review Uses in Wetlands

(a) If the proposed use is within a wetland or wetlands buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary.

(A) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an

indicator of wetlands. Wetlands boundaries shall be delineated using the procedures specified in the Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997).

(B) All wetlands delineations shall be conducted by a professional which has been trained to use the federal delineation process, such as a soil scientist, botanist, or wetlands ecologist.

(C) The Executive Director may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Executive Director shall, at the applicant's expense, obtain professional services to render a final delineation.

(b) In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include:

(A) a site plan map prepared at a scale of 1-inch equals 100 feet (1:1,200), or a scale providing greater detail;

(B) the exact boundary of the wetland and the wetlands buffer zone; and

(C) a description of actions that would alter or destroy the wetland.

The applicant provided adequate site plans. The plans show the location of all proposed development along the full extent of the project area. Following other noticing requirements, copies of the site plan were provided to Washington Natural Heritage Program, U.S. Forest Service, and Washington Department of Fish and Wildlife on November 4, 2019.

Klickitat County submitted a *Wetland Delineation Report* to support compliance with this rule. The delineation report was prepared in August 2018 by Hannah Belloli and Grant Gilmore, staff scientists with Skillings Connolly Environmental. The wetland is located at a headwater and narrows into a stream channel which flows east. Based on field observations, the report concludes the western side of the wetland is the headwaters of this stream. The stream flows from the west side of Courtney Road through a culvert to the east side of Courtney road and continues in a south easterly direction into a ponded area located outside of the Project boundary. The wetland was delineated using the methods outlined in the 1987 Corps of Engineers Wetlands Delineation Manual. The applicant identified a 300-foot buffer, as required by Klickitat County's Critical Areas Ordinance. As described in Finding E.10; a 75-foot buffer is required by the Gorge Commission Land Use Ordinance for Klickitat County. The report states that the development will impact 772.16 sq. ft. of the 9,921 sq. ft. wetland after the road alignment is complete.

5. Commission Rule 350-81-560(2) states:

Commission Rule 350-81-560 shall not apply to proposed uses that would occur in the main stem of the Columbia River...

The project is not located in the main stem of the Columbia River. Commission Rule 350-81-560 applies to the project.

6. Commission Rule 350-81-560(3) states:

The following uses may be allowed in wetlands and wetlands buffer zones when approved pursuant to the provisions in 350-81-560(5), and reviewed under the applicable provisions of 350-81-520 through 350-81-620. Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

- (a) *The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:*
 - (A) *Increase the size of an existing structure by more than 100 percent,*
 - (B) *Result in a loss of wetlands acreage or functions, and*
 - (C) *Intrude further into a wetland or wetlands buffer zone. New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.*

As currently constructed, Courtney Road already bisects the wetland and there were no practical alternatives to relocating the road outside of the wetland buffer zone. As currently constructed, the road is 18 feet wide at its widest section in the wetland buffer. The proposal will increase the width of the road to 24 feet wide, which will increase the size of the existing structure by 33 percent. Wetland impacts are unavoidable due to the project location and location design standards. CRP 343 is not a listed review use in Commission Rule 350-81-560(3).

7. Commission Rule 350-81-560(4) states:

Uses not listed in 350-81-560(2) and (3) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to 350-81-560(6) and reviewed under the applicable provisions of 350-81-520 through 350-81-620.

Modifications to Courtney Road proposed by CRP 342 may be allowed pursuant Commission Rule 350-81-560(6), discussed in Finding E.8 below.

8. Commission Rule 350-81-560(6)(a) states,

Applications for all other Review Uses in wetlands shall demonstrate that:

- (a) *The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:*
 - (A) *The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands;*
 - (B) *The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and*
 - (C) *Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist. An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.*
- (b) *The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:*
 - (A) *The extent of public need for the proposed use.*
 - (B) *The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.*

- (C) The functions and size of the wetland that may be affected.*
- (D) The economic value of the proposed use to the general area.*
- (E) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.*
- (c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.*
- (d) Groundwater and surface-water quality will not be degraded by the proposed use.*
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.*
- (f) The proposed use complies with all applicable federal, state, and county laws.*
- (g) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.*
- (h) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts. The following wetlands restoration, creation, and enhancement guidelines shall apply:*
 - (A) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.*
 - (B) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.*
 - (C) Wetlands restoration, creation, and enhancement projects shall use native vegetation.*
 - (D) The size of replacement wetlands shall equal or exceed the following ratios (the first number specifies the required acreage of replacement wetlands and the second number specifies the acreage of wetlands altered or destroyed):*
 - (i) Restoration: 2:1*
 - (ii) Creation: 3:1*
 - (iii) Enhancement: 4:1*
 - (E) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.*
 - (F) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this guideline is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.*
 - (G) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.*
 - (H) Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.*
 - (I) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan and this guideline.*

Wetland impacts are unavoidable due to the project location and location design standards. As currently constructed, Courtney Road already bisects the wetland and there are no practical alternatives to locating the structure outside of the wetland buffer zone. The applicant proposes to keep the current alignment of the road to the greatest extent practicable except to address safety problems related to sight-distance by removing tight corners. Slopes will be as steep as possible to limit overall impact on the surrounding landscape and keep existing topography. Currently Courtney Road (between MP 2.97 and MP 4.36) consists of a single lane gravel road with tight curves and limited site distance on a steep gradient. This causes restrictions for vehicles being able to pass each other, the size of vehicles, including some emergency vehicles, and restrictions to maintenance activities such as snowplowing. The proposed improvements will result in Courtney Road being two lanes and paved along its entire length, which will allow it to function as an alternative evacuation route for areas north of White Salmon, WA, and an alternative route for area emergency services. After completion, Klickitat County workers will be able to more easily maintain year-round access in and out of the area. The use is compliant with Commission Rules 350-81-570(6)(a) and (b).

The *Wetland Delineation Report* discusses the methods used to identify, delineate, and classify the wetland and stream in the project vicinity. In order to classify the wetland Ms. Belloli and Mr. Gilmore assessed the vegetation, soil, and hydrology characteristics to identify areas meeting wetland indicators that define a wetland unit, marked wetland boundaries, and located delineated boundaries using conventional survey methods. The report identifies the wetland as a 9,921 sq. ft. Category 1 wetland, previously disturbed by cattle grazing, with slopes throughout ranging from 0 to 30 percent. The farthest west side of the wetland has a steep 30 percent slope and was determined to be receiving water through groundwater and runoff from the sloped hillsides in proximity to the road. The dominant vegetation of the wetland is characterized by mature forest vegetation comprised by Douglas fir, Western red cedar, red alder, black cottonwood, Nootka rose, herb Robert, creeping buttercup, nightshade, and horsetail. The Douglas fir, western red cedar, and red alder are predominately 30 – 50 ft. tall.

The applicant provided a *Biological Evaluation*, prepared by Ms. Belloli and Mr. Gilmore, in compliance with Commission Rules 350-81-580 and 350-81-590, which is discussed starting with Finding E.24 below. The *Biological Evaluation* discusses the probable effects of the project to fish, plants, and wildlife.

The applicant prepared a report titled *Wetland Mitigation Report* was prepared in October 2019 for the portion of the work that will occur within the buffer zone of the wetland in compliance with Commission Rule 350-81-560. The *Wetland Mitigation Report*, prepared by Hannah Belloli and Grant Gilmore, staff scientists with Skillings Connolly Environmental, covers both the wetland and stream mitigation measures in the project area. The proposed mitigation plan includes 4,632 sq. ft. of newly created wetlands, and includes the planting of 1,303 native trees, shrubs, and herbaceous species in order to establish wildlife-habitat diversity. The newly created wetlands will be located adjacent and to the northeast of the existing wetland. Areas where the road is being removed will be decommissioned and revegetated to allow for a more contiguous wetland and buffer, and the existing culvert is being upgraded based on hydraulic functions. WDFW oversee the Hydraulic Project Approval (HPA) program. An HPA permit is required for all work water-ward of the Ordinary High-Water Mark of Waters of the State, and within adjoining wetlands. Coordination with WDFW to secure the HPA has already taken place. The native plantings replicate undisturbed vegetation in the wetland boundary and are intended to improve vegetative structure, adding a scrub-shrub and forested area that will have at least three vegetative strata present. This results in a mitigation ratio of 6:1.

Best management practices include wattles on steep slopes, biodegradable erosions control blankets, and biodegradable check dams. National Pollutant Discharge Elimination System (NPDES) permitting rules will be followed for all phases of the project. Created in 1972 by the Clean Water Act, the NPDES permit program address water pollution by regulating point sources that discharge pollutants to waters of the United States.

According to the *Wetland Mitigation Report*, the project will be constructed in accordance with local, state, and federal regulation that control activities in and near wetlands, including Army Corps of Engineers, WDFW, and Washington Department of Ecology. Road construction will be in accordance with "Division 2: Earthwork" from WSDOT's *Standard Specifications for Road, Bridge, and Municipal Construction* manual. WSDOT's construction manual is a resource for administering Washington State transportation projects by recognizing established standards, describing accepted engineering practices, identifying desired results, establishing standardized requirements, and provides statewide uniformity in the administration and construction of transportation related contracts. To minimize impacts during construction the applicant proposes to shore all excavated areas to limit over excavation and delineate wetlands with high visibility fencing during construction. A General Construction Stormwater Permit will be obtained from the Washington Department of Ecology (WDOE) and a Stormwater Pollution Prevention Plan will be required to be developed by and enforced by the contractor during construction all in accordance with WDOE and the Stormwater Management Manual for Eastern Washington. These control measures are both temporary and permanent and are employed throughout all phases of the project.

According to the Mitigation Plan, mitigation work will be performed in such a way that heavy machinery will stay out of the wetland, except for the excavation of the newly created wetland. It recommends a biologist demarcate existing vegetation for protection or be present at the time of implementation to direct activities that will avoid disturbance to these areas. This is included as a condition of approval. Plant locations will be field adjusted to reflect actual site conditions.

An additional condition of approval requires disturbed areas to be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

The applicant did not indicate in the application materials when the wetland restoration, creation, and enhancement efforts would occur. According to the *Wetland Mitigation Report*, all planting work will be done following grading, in early or late fall (October- November) to maximize survival of planted species. Pursuant to this rule, a condition of approval is included requiring the wetlands restoration, creation, and enhancement efforts to be completed before the wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the road is occupied or used.

According to the *Wetland Mitigation Report*, Klickitat County will monitor the project for a period of ten years to ensure success of the mitigation project per the United States Army Corps of Engineers. 90 percent of manually planted tree and shrub species will survive by the end of the first year, 80 percent will survive by the end of the second year, and each subsequent year, from year three to year ten, 70 percent survival will be considered a success. A condition of approval is required, pursuant to Commission Rule 350-81-560(6)(a)(I), requiring 75 percent survival rate for five years for all vegetation planted for wetland mitigation.

According to the *Wetland Mitigation Report*, Klickitat County will verify that the performance standards are being met and if they are not being met, the County will identify contingency measures and make recommendations in the monitoring reports. Monitoring reports will include a summary of maintenance and/or contingency measures implemented during the previous monitoring period. Monitoring will include site visits which will require a biologist to take vegetative plant counts for verification against the planting plan implemented for the mitigation areas. Recorded data will include photographs of each site and a percent count of plant performances over the duration of the monitoring period. These requirements are included in the Director's Decision as conditions of approval.

A condition of approval is included with the Decision that requires the applicant to follow the *Wetland Mitigation Report*, including monitoring and reporting, and construct all development using best management practices, consistent with this rule. With conditions of approval regarding wetland mitigation and monitoring, the proposed project is consistent with Commission Rule 350-81-560(6).

9. Commission Rule 350-81-560(7) describes Wetland Buffer Zones. It states:

Wetland Buffer Zones

- (a) *The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.*
- (b) *The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.*
 - (A) *A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.*
 - (B) *A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.*
 - (C) *A herbaceous vegetation community is characterized by the presence of herbs, including grass and grass like plants, forbs, ferns, and nonwoody vines.*
- (c) *Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:*
 - (A) *Forest communities: 75 feet*
 - (B) *Shrub communities: 100 feet*
 - (C) *Herbaceous communities: 150 feet*
- (d) *Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.*

The *Wetland Delineation Report* was prepared using the methods outlined in the 1987 Corps of Engineers Wetlands Delineation Manual. Pursuant to Klickitat County's Critical Areas Ordinance, a 300-foot buffer is required and included in the delineation site plan. As described in the *Wetland Mitigation Report* provided by the applicant, the dominant vegetation of the wetland is characterized by mature forest vegetation comprised by Douglas fir, Western red cedar, red alder, black cottonwood, Nootka rose, herb Robert, creeping buttercup, nightshade, and horsetail. The

Douglas fir, western red cedar, and red alder are predominately 30 – 50 ft. tall. Pursuant to this rule, the vegetation in this area is characteristic of the forest vegetation community and requires a buffer of 75 feet.

10. Commission Rule 350-81-560(8) describes Wetlands Compensation Plans. It states:

Wetland compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. They shall satisfy the following guidelines:

- (a) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.*
- (b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.*
- (c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.*
- (d) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
 - (A) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.*
 - (B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.*
 - (C) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.**
- (e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established, and photographs shall be used to monitor the replacement wetland.*
- (f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.*

The impacts to the wetland and proposed mitigation are described in the *Wetland Mitigation Report* prepared by Ms. Belloli and Mr. Gilmore. The report states that the development will impact 772.16 sq. ft. of the 9,921 sq. ft. wetland after the road alignment is complete.

The applicant proposes to plant approximately 435 trees, 372 shrubs and 496 herbaceous species, totaling approximately 1,303 plantings as part of the mitigation. The tree varieties include Western red cedar, red alder, big leaf maple vine maple and Oregon ash. The shrub varieties include beaked hazelnut, Douglas spirea and Pacific willow. The herbaceous varieties include slough sedge, small fruited bulrush, common rush, and Pacific water-parsley. The wetland creation will consist of planting trees and shrub species, which is intended to improve vegetative structure, adding a scrub-shrub and forested area that will have at least three vegetative strata present.

The proposed mitigation measures included in the *Wetland Mitigation Report* state Klickitat County will monitor the project for a period of ten years to ensure success of the mitigation project per the United States Army Corps of Engineers. 90 percent of manually planted tree and shrub species will survive by the end of the first year. By the end of the second year, 80 percent survival will be considered a success. By the end of each subsequent year, from year three to year ten, 70 percent survival will be considered a success. A condition of approval is required, pursuant to Commission Rule 350-81-506(6)(a)(I), requiring 75 percent survival rate for five years for all vegetation planted for wetland mitigation. Klickitat County will verify that the performance standards are being met and if they are not being met, the County will identify contingency measures and make recommendations in the monitoring reports. Monitoring reports will include a summary of maintenance and/or contingency measures implemented during the previous monitoring period. Monitoring will include site visits which will require a biologist to take vegetative plant counts for verification against the planting plan implemented for the mitigation areas. Recorded data will include photographs of each site and a percent count of plant performances over the duration of the monitoring period. These requirements are included in the Director's Decision as conditions of approval.

11. Commission Rule 350-81-570 provides for the protection of stream, pond, lake, and riparian areas. The Gorge Commission's natural resource inventories identify one stream in the vicinity of the project boundary of CRP 342, the upper portion of the proposed Courtney Road realignment. Commission Rule 350-81-570 applies. Commission Rule 350-81-570(1) states:

Stream, Pond, and Lake Boundaries and Site Plans for Review Uses in Aquatic and Riparian Areas

- (a) If a proposed use would be in a stream, pond, lake or their buffer zones, the project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation.*
- (b) In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes, and their buffer zones shall include:*
 - (A) a site plan map prepared at a scale of 1-inch equals 100 feet (1:1,200), or a scale providing greater detail;*
 - (B) the exact boundary of the ordinary high watermark or normal pool elevation and prescribed buffer zone; and*
 - (C) a description of actions that would alter or destroy the stream, pond, lake, or riparian area.*

Adequate site plans were provided by the applicant. The plans identify the location of all proposed development along the full extent of the project area. Notice of this application was mailed directly to multiple local, state, and federal agencies.

The *Wetland Delineation Report*, prepared by Ms. Belloli and Mr. Gilmore, included a stream analysis for the stream identified in Commission inventories, and also addresses Commission requirements for streams because the stream is connected to the wetland. The wetland is located at a headwater and narrows into a stream channel which flows east. Based on field observations, the report concludes the western side of the wetland is the headwaters of this stream. The stream flows from the west side of Courtney Road through a culvert to the east side of Courtney road and continues in a south easterly direction into a ponded area located outside of the project boundary. To the west of the road, the wetland is highly disturbed by cattle grazing and was determined to be the headwaters of the stream. To the east of the road, the wetland eventually becomes a well-defined stream channel continuing to the ponded area. The ponded area located to the east has

been designated by DNR as a fish bearing pond and has water quality indicators suggesting that it is salmonid spawning, rearing, migration and wildlife habitat.

12. Commission Rule 350-81-570(2) states,

Commission Rule 350-81-570 shall not apply to proposed uses that would occur in those portions of the main stem of the Columbia River that adjoin the Urban Area.

The project is not located in the main stem of the Columbia River and does not adjoin an Urban Area, and is therefore not exempt from Commission Rule 350-81-570.

13. Commission Rule 350-81-570(3) states,

The following uses may be allowed in streams, ponds, lakes, and riparian areas when approved pursuant 350-81-570(5), and reviewed under the applicable provisions of 350- 81-520 through 350-81-620. Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(a) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:

(A) Increase the size of an existing structure by more than 100 percent,

(B) Result in a loss of water quality, natural drainage, and fish and wildlife habitat,
or

(C) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

CRP 343 is a road construction project. This is not a listed review use in Commission Rule 350-81-570(3).

14. Commission Rule 350-81-570(4) states:

Uses not listed in 350-81-570(2) and (3) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to 350-81-570(6) and reviewed under the applicable provisions of 350-81-520 through 350-81-620.

Modifications to Courtney Road proposed by CRP 342 may be allowed pursuant Commission Rule 350-81-570(6), discussed in Finding E.15 below.

15. Commission Rule 350-81-570(6) states:

Applications for all other Review Uses in streams, ponds, lakes, and riparian areas shall demonstrate that:

(a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by 350-81-560(6)(a), substituting the term stream, pond, lake, or riparian area as appropriate.

(b) The proposed use is in the public interest as determined by 350-81-560(6)(b), substituting the term stream, pond, lake, or riparian area as appropriate.

(c) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. At a minimum, the following

mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

- (A) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife, 2000), unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife. In Washington, the Washington Department of Fish and Wildlife shall evaluate specific proposals and specify periods for in-water work.*
- (B) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.*
- (C) Nonstructural controls and natural processes shall be used to the greatest extent practicable.*
- (D) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.*
- (E) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.*
- (F) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.*
- (d) Groundwater and surface-water quality will not be degraded by the proposed use.*
- (e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.*
- (f) The proposed use complies with all applicable federal, state, and county laws.*
- (g) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.*

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required. The following rehabilitation and enhancement guidelines shall apply:

 - (A) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.*
 - (B) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.*
 - (C) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.*
 - (D) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.*
 - (E) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.*
 - (F) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.*

- (G) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.*
- (H) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.*
- (I) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the replacement vegetation and take corrective measures to satisfy this guideline.*

Commission Rules 350-81-560(6)(a) and (b) state,

Applications for all other Review Uses in wetlands shall demonstrate that:

- (a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:*
 - (A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands;*
 - (B) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and*
 - (C) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist. An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.*
- (b) The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:*
 - (A) The extent of public need for the proposed use.*
 - (B) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.*
 - (C) The functions and size of the wetland that may be affected.*
 - (D) The economic value of the proposed use to the general area.*
 - (E) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.*

Stream and wetland impacts are unavoidable due to the project location and location design standards. As currently constructed, Courtney Road already bisects the wetland and stream and there are no practical alternatives to locating the structure outside of the wetland and stream buffer zones. The applicant proposes to keep the current alignment of the road to the greatest extent practicable except to address safety problems related to sight-distance by removing tight corners. Slopes will be as steep as possible to limit overall impact on the surrounding landscape and keep existing topography. Currently Courtney Road (between MP 2.97 and MP 4.36) consists of a single lane gravel road with tight curves and limited site distances on a steep gradient. This causes restrictions for vehicles being able to pass each other, the size of vehicles, including some emergency vehicles, and restrictions to maintenance activities such as snowplowing. The

proposed improvements will result in Courtney Road being two lanes and paved along its entire length, which will allow it to function as an alternative evacuation route for areas north of White Salmon, WA, and an alternative route for area emergency services. After completion, Klickitat County workers will be able to more easily maintain year-round access in and out of the area. The use is compliant with Commission Rules 350-81-570(6)(a) and (b).

The *Wetland Delineation Report* discusses the methods used to identify, delineate, and classify the wetland in the project vicinity. In order to classify the wetland Ms. Belloli and Mr. Gilmore assessed the vegetation, soil, and hydrology characteristics to identify areas meeting wetland indicators that define a wetland unit, marked wetland boundaries, and locating delineated boundaries using conventional survey methods. The report identifies the wetland as a 9,921 sq. ft. Category 1 wetland, previously disturbed by cattle grazing, with slopes throughout ranging from 0 to 30 percent. The farthest west side of the wetland has a steep 30 percent slope and was determined to be receiving water through groundwater and runoff from the sloped hillsides in proximity to the road. The dominant vegetation of the wetland is characterized by mature forest vegetation comprised by Douglas fir, Western red cedar, red alder, black cottonwood, Nootka rose, herb Robert, creeping buttercup, nightshade, and horsetail. The Douglas fir, western red cedar, and red alder are predominately 30 – 50 ft. tall.

The applicant provided a report, *Biological Evaluation*, prepared by Ms. Belloli and Mr. Gilmore, in compliance with Commission Rules 350-81-580 and 350-81-590, which is discussed starting with Finding E.24 below. The *Biological Evaluation* discusses the probable effects of the project to fish, plants, and wildlife. The applicant proposes replacing one culvert crossing. The culvert crossing is being replaced with a larger pipe that meets the requirements for fish passage per WDFW Water Crossing Guidelines and is sized according to its Stream Simulation Culvert Design Option. This option creates a culvert crossing that simulates the characteristics of the adjacent stream channel. Using this criterion, a 12' span pipe arch with 36" diameter will be installed in this location. This design will not result in a loss of water quality, natural drainage, or fish and wildlife habitat.

The applicant prepared a report titled *Wetland Mitigation Report* for the portion of the work that will occur within the buffer zone of the wetland in compliance with Commission Rule 350-81-560. The *Wetland Mitigation Report* was prepared in October 2019, by Hannah Belloli and Grant Gilmore, staff scientists with Skillings Connolly Environmental, and covers both the wetland and stream mitigation measures in the project area. The proposed mitigation plan includes 4,632 sq. ft. of newly created wetlands, and includes the planting of 1,303 native trees, shrubs, and herbaceous species in order to establish wildlife-habitat diversity. The native plantings replicate undisturbed vegetation in the wetland boundary and are intended to improve vegetative structure, adding a scrub-shrub and forested area that will have at least three vegetative strata present. This results in a mitigation ratio of 6:1. The newly created wetlands will be located adjacent and to the northeast of the existing wetland. The areas where the road is being removed will be decommissioned and revegetated to allow for a more contiguous wetland and buffer, and the existing culvert is being upgraded based on hydraulic functions. WDFW oversee the Hydraulic Project Approval (HPA) program. An HPA permit is required for all work water-ward of the Ordinary High-Water Mark of Waters of the State, and within adjoining wetlands. Coordination with WDFW to secure the HPA has already taken place.

Best management practices include wattles on steep slopes, biodegradable erosions control blankets, and biodegradable check dams. National Pollutant Discharge Elimination System (NPDES) permitting rules will be followed for all phases of the project. Created in 1972 by the Clean Water Act, the NPDES permit program address water pollution by regulating point sources that discharge pollutants to waters of the United States

According to the *Wetland Mitigation Report*, the project will be constructed in accordance with local, state, and federal regulation that control activities in and near wetlands, including Army Corps of Engineers, WDFW, and Washington Department of Ecology. Road construction will be in accordance with "Division 2: Earthwork" from WSDOT's *Standard Specifications for Road, Bridge, and Municipal Construction* manual. WSDOT's construction manual is a resource for administering Washington State transportation projects by recognizing established standards, describing accepted engineering practices, identifying desired results, establishing standardized requirements, and provides statewide uniformity in the administration and construction of transportation related contracts. To minimize impacts during construction the applicant proposes to shore all excavated areas to limit over excavation and delineate wetlands with high visibility fencing during construction. A General Construction Stormwater Permit will be obtained from the Washington Department of Ecology (WDOE) and a Stormwater Pollution Prevention Plan will be required to be developed by and enforced by the contractor during construction all in accordance with WDOE and the Stormwater Management Manual for Eastern Washington. These control measures are both temporary and permanent and are employed throughout all phases of the project.

According to the Mitigation Plan, mitigation work will be performed in such a way that heavy machinery will stay out of the wetland and stream beds, except for the excavation of the newly created wetland. It recommends a biologist demarcate existing vegetation for protection or be present at the time of implementation to direct activities that will avoid disturbance to these areas. This is included as a condition of approval. Plant locations will be field adjusted to reflect actual site conditions.

An additional condition of approval requires disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

The applicant did not indicate in the application materials when the wetland restoration, creation, and enhancement efforts would occur. According to the *Wetland Mitigation Report*, all planting work will be done following grading, in early or late fall (October- November) to maximize survival of planted species. Pursuant to this rule, a condition of approval is included requiring the wetlands restoration, creation, and enhancement efforts to be completed before the wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the road is occupied or used.

According to the *Wetland Mitigation Report*, Klickitat County will monitor the project for a period of ten years to ensure success of the mitigation project per the United States Army Corps of Engineers. According to the *Wetland Mitigation Report*, 90 percent of manually planted tree and shrub species will survive by the end of the first year, 80 percent will survive by the end of the second year, and each subsequent year, from year three to year ten, 70 percent survival will be considered a success. A condition of approval is required, pursuant to Commission Rule 350-81-570(6)(a)(I), requiring 75 percent survival rate for five years for all vegetation planted for wetland mitigation.

According to the *Wetland Mitigation Report*, Klickitat County will verify that the performance standards are being met and if they are not being met, the County will identify contingency measures and make recommendations in the monitoring reports. Monitoring reports will include a summary of maintenance and/or contingency measures implemented during the previous

monitoring period. Monitoring will include site visits which will require a biologist to take vegetative plant counts for verification against the planting plan implemented for the mitigation areas. Recorded data which will include photographs of each site will be included in each report with a percent count of plant performances over the duration of the monitoring period. These requirements are included in the Director's Decision as conditions of approval.

A condition of approval is included with the Decision that requires the applicant to follow the *Wetland Mitigation Report*, including monitoring and reporting, and construct all development using best management practices, consistent with this rule. With conditions of approval regarding wetland mitigation and monitoring, the proposed project is consistent with Commission Rule 350-81-560(6).

16. Commission Rule 350-81-570(7) states,

Stream, Pond, and Lake Buffer Zones

- (a) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
 - (A) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet*
 - (B) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet*
 - (C) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community as determined by 350-81-560(7)(b), substituting the term pond or lake as appropriate.**
- (b) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.*
- (c) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Executive Director may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Executive Director shall, at the project applicant's expense, obtain professional services to render a final delineation.*

Pursuant to Commission Rule 350-81-570(7), streams used by anadromous or resident fish and include year-round pools have 100-foot buffers. The applicant identified a 300-foot buffer in accordance with Klickitat County's Critical Areas Ordinance.

17. Commission Rule 350-81-570(8) states:

Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area. They shall satisfy the following guidelines:

- (a) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.*

- (b) *All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.*
- (c) *Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:*
 - (A) *Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.*
 - (B) *Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.*
 - (C) *Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.*
- (d) *A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.*
- (e) *A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.*

The impacts to the stream are described in the *Wetland Mitigation Report*. The report states that the development will impact 30 feet of the stream buffer after the road alignment is complete. The proposed mitigation measures included in the *Wetland Mitigation Report* state Klickitat County will monitor the project for a period of ten years to ensure success of the mitigation project per the United States Army Corps of Engineers. According to the *Wetland Mitigation Report*, 90 percent of manually planted tree and shrub species will survive by the end of the first year. By the end of the second year, 80 percent survival will be considered a success. By the end of each subsequent year, from year three to year ten, 70 percent survival will be considered a success. A condition of approval is required, pursuant to Commission Rule 350-81-506(6)(a)(I), required 75 percent survival rate for five years for all vegetation planted for wetland mitigation. Klickitat County will verify that the performance standards are being met and if they are not being met, the County will identify contingency measures and make recommendations in the monitoring reports. Monitoring reports will include a summary of maintenance and/or contingency measures implemented during the previous monitoring period. Monitoring will include site visits which will require a biologist to take vegetative plant counts for verification against the planting plan implemented for the mitigation areas. Recorded data will include photographs of each site and a percent count of plant performances over the duration of the monitoring period. These requirements are included in the Director's Decision as conditions of approval.

18. Commission Rule 350-81-580 protects Sensitive wildlife in the GMA. The upper portion of the proposed development, CRP 342, is in the GMA. Commission Rule 350-81-580 (1)(a) states:

Sensitive Wildlife Areas and Sites and Site Plans Near Sensitive Wildlife

- (a) *Proposed uses shall not adversely affect sensitive wildlife areas or sensitive wildlife sites:*

- (A) "Sensitive wildlife areas" in the Columbia Gorge means the following land and water areas that appear in the wildlife inventory map prepared and maintained by the Gorge Commission: Bald eagle habitat, Deer and elk winter range, Elk habitat, Mountain goat habitat, Peregrine falcon habitat, Pika colony area, Pileated woodpecker habitat, Pine marten habitat, Shallow water fish habitat (Columbia R.), Special streams, Special habitat area, Spotted owl habitat, Sturgeon spawning area, Tributary fish habitat, Turkey habitat, Waterfowl area, Western pond turtle habitat
- (B) "Sensitive wildlife sites" means sites that are used by animal species that are
- (i) listed as endangered or threatened pursuant to federal or state endangered species acts,
 - (ii) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,
 - (iii) listed as sensitive by the Oregon Fish and Wildlife Commission, or
 - (iv) considered to be of special interest to the public (limited to great blue heron, osprey, golden eagle, mountain goat, and prairie falcon). Updated lists of species included in sensitive wildlife sites can be found on the websites for the Washington Department of Fish and Wildlife (Species of Concern list) and the Wildlife Division of Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available on the Gorge Commission website.

The Gorge Commission's sensitive wildlife inventory shows that the proposed project, CRP 342, is within mule and black-tailed deer winter range, California mountain king snake habitat, northern spotted owl habitat, western gray squirrel habitat (a special habitat according the Washington Department of Fish and Wildlife (WDFW)), and Oregon white oak woodlands (a WDFW priority habitat). Pursuant to Commission Rule 350-81-580(a) the proposed use must not adversely affect these sensitive wildlife areas.

19. Commission Rule 350-81-580 (1)(b) states:

In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

The applicant provided adequate site plans. The site plans identify the location of all proposed development along the full extent of the project area. Notice of this application was mailed directly to multiple local, state, and federal agencies, including the U.S. Forest Service and WDFW.

20. Commission Rule 350-81-580(1)(c) states:

Proposed uses within 1,000 feet of a sensitive wildlife area or site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

Cumulative effects are defined by Commission Rule 350-81-020(42). It states:

The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

The applicant provided a report titled *Biological Evaluation*, prepared by Ms. Belloli and Mr. Gilmore, for project CRP 342, in compliance with Commission Rule 350-81-580. The *Biological Evaluation* determined the project has *no effect* on the habitat types for California mountain king snake, mule and black-tailed deer, and northern spotted owl. Ms. Belloli and Mr. Gilmore determined that the project was most likely to adversely affect (MLTAA) western gray squirrel and oak woodland habitats.

Currently, Snowden Road is the only paved road that accesses the Snowden Area. Courtney Road will create an alternative paved route accessing the area. Currently, Courtney Road is the only road climbing the northern slope of Burdoin Mountain, and is the only road providing improved access to residential homes in that area.

To evaluate the cumulative effects of the proposal, Staff analyzed existing development and development potential of the adjacent and nearby lands on Burdoin Mountain facing south. Burdoin Mountain is a large feature in the National Scenic Area and Klickitat County. It climbs to 2,258 ft. elevation at its peak, located just north of Bingen, WA. The southern slope occupies approximately 2,750 acres in the National Scenic Area. 1,500 acres are owned by Kreps Ranch, worked as a cattle ranch, and designated GMA Large-Scale Agriculture with a 160-acre minimum parcel size. This area is located north of Bingen, on southwest side of Burdoin Mountain. The terrain extremely steep and somewhat rocky. It is primarily a mix of grasslands, and mixed stands of oak and conifers. The southern exposure and undisturbed area have several large and healthy Oregon white oak stands. The land has minimal development, and is primarily maintained for livestock grazing, although it is also used for logging. The land has some fencing and is disturbed from cattle grazing; however, the open, lightly used environment and mixed woodland character present good habitat opportunities.

The other 1,250 acres are a mix of private and public ownership and are more located to the east. This area is less steep and rocky. Coyote Wall is directly to the east and creates steep basalt scree slopes and tall basalt walls that encircle the area and creates a geologic syncline stretching from the Columbia River to the top of Burdoin Mountain. The rest of the area is primarily grassy in the lower elevations, but changes to oak and coniferous woodlands in the higher elevations. 750 of these acres are publicly owned by the U.S. Forest Service. The other 500 acres are all privately owned and mostly made up of wooded residential use parcels. 300 of those acres are designated GMA Small Scale-Agriculture, and the other 200 acres make up 16 parcels that are designated SMA Agriculture. In this study area there are limited opportunities for future development. The land designated GMA Large-Scale Agriculture has a large minimum parcel size. It will likely stay in agriculture use. Due to the steep rocky nature of the terrain, livestock grazing is the preferred current use. The lands owned by the U.S. Forest Service will similarly not see much future development. Ideally, they will also be managed for healthy forest characteristics that enhance the ecological value of the land. The 500 acres in private ownership will likely see varied development and uses, although it will be predominantly residential. Most of these parcels are already in residential development. All of the parcels are below or at their minimum parcel size. Many of the parcels are heavily wooded, unfenced and retain habitat value. These parcels are designated either GMA Small-Scale Agriculture or SMA Agriculture, so mixed agriculture uses could also be developed in the future.

The project will impact approximately 4 acres of oak woodland. 2,757 trees are being removed as part of the project. Only a small proportion of the oak trees being removed are identified as high-value habitat trees (based on WDFW's *Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands*; medium and large-size class trees, as well as those with well-formed, dominant crowns are recommended for retention). The mitigation actions described

in Finding E.29 include measures focusing on the long-term replacement of the 40 high-value, medium-large Oregon White Oak trees.

Seven squirrel nesting trees were identified for removal. The entirety of the project is in western gray squirrel habitat. Western gray squirrels typically construct and use multiple nests. After discussing the project with Amber Johnson, WDFW Habitat Biologist, Staff determined that the time of the year the squirrels will be least sensitive to nest site disturbance is during the winter. Underwood Conservation District developed the *Oak and Wildlife Conservation Plan* to help mitigate for any potential effects to the integrity of the affected wildlife sites. Recommendations included protecting existing oak and large conifer trees from damage during construction activities, developing and implementing a planting plan, restoring the existing roadbed, managing for invasive species, thinning existing conifers, and off-site mitigation for the loss of existing oak-woodland habitat loss.

Courtney Road is a narrow road, with tight corners and limited sight lines. Widening the road will allow for safer passage of vehicles. Future road projects of a similar nature could result in the cumulative degradation of the study area. It would be harder to mitigate for the impacts and create valuable habitat enhancement opportunities. However, Staff does not anticipate any other road projects or similar linear projects in this area at any time in the future, and the mitigation proposed avoids adverse impacts. The paved road will provide for the current needs of the area, and will sustain any future needs. The proposal is consistent with Commission Rule 350-81-580(1)(c).

21. Commission Rule 350-81-580(2) states:

Field Survey

A field survey to identify sensitive wildlife areas or sites shall be required for:

- (a) Land divisions that create four or more parcels;*
- (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;*
- (c) Public transportation facilities that are outside improved rights-of-way;*
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and*
- (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.*

Field surveys shall cover all areas affected by the proposed use or recreation facility.

They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

Portions of the proposed work for the upper portion of the Courtney Road project, CRP 342, are outside improved rights-of-way. Pursuant to Commission Rule 350-81-580(2)(c), a field survey is required to identify sensitive wildlife areas. In conjunction with the *Biological Evaluation*, the applicant provided a survey titled, *Wildlife and Rare Plant Survey – Courtney Road Realignment* (dated October 2, 2019). The report was prepared by Skillings Connolly Environmental. The survey covered a 300-foot corridor keeping the proposed alignment centered.

22. Commission Rule 350-81-580(3) states:

Review uses may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to 350-81-580(4) and reviewed under the applicable provisions of 350-81-520 through 350-81-620.

The proposed project is within 1,000 feet of multiple sensitive wildlife sites: mule and black-tailed deer winter range, northern spotted owl habitat, western gray squirrel habitat, and Oregon white oak woodlands. See Finding E.25 below for consistency with Commission Rule 350-81-580(4). Consistency with the applicable provisions of 350-81-520 through 350-81-620 are discussed in Sections B, C, D, E, and F of this Staff Report.

23. Commission Rule 350-81-580(4)(a) states:

Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:

- (a) Site plans shall be submitted to the Oregon Department of Fish and Wildlife or the Washington Department of Fish and Wildlife by the Development Review Officer. State wildlife biologists will review the site plan and their field survey records and:*
- (A) Identify/verify the precise location of the wildlife area or site,*
 - (B) Ascertain whether the wildlife area or site is active or abandoned, and*
 - (C) Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.*

Klickitat County submitted a site plan consistent with Commission Rule 350-81-032. The plans identify the location of all proposed development along the full extent of the project area. Notice of this application was mailed directly to multiple local, state, and federal agencies, including U.S. Forest Service and Washington Department of Fish and Wildlife.

24. Commission Rule 350-81-580(4)(b) states:

The following factors may be considered when site plans are reviewed:

- (A) Biology of the affected wildlife species.*
- (B) Published guidelines regarding the protection and management of the affected wildlife species. The Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron. The Washington Department of Fish and Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner, 1991).*
- (C) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.*
- (D) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.*
- (E) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.*

In the *Biological Evaluation*, the authors discuss the biology of the affected wildlife species, specifically western gray squirrel and the oak woodlands habitat. The report discusses both cumulative effects and potentially adverse effects to the habitat. The report was sent to WDFW on

November 12, 2019. Staff also met with Amber Johnson, WDFW Habitat Biologist, on November 20, 2019, to discuss the potential effects of the project to wildlife in the region.

25. Commission Rule 350-81-580(4)(c) states:

The wildlife protection process may terminate if the Executive Director, in consultation with the state wildlife agency, determines:

(A) The sensitive wildlife area or site is not active, or

(B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

In the *Biological Evaluation*, Ms. Belloli and Mr. Gilmore determined that the project would most likely adversely affect (MLTAA) western gray squirrel and oak woodland habitats. A total of 2,743 oak trees were identified for removal, and seven squirrel nesting trees were identified for removal. Western gray squirrels typically construct and use multiple nests. After discussing the project with Ms. Johnson, Staff determined that the time of the year the squirrels will be least sensitive to nest site disturbance is during the winter. A condition of approval is included in the Decision mandating all nesting trees be removed during the months of November to February, at the time of the year when the wildlife is least sensitive to disturbance.

Underwood Conservation District developed the *Oak and Wildlife Conservation Plan* to help mitigate for any potential effects to the integrity of the affected wildlife sites. Recommendations included protecting existing oak and large conifer trees from damage during construction activities, developing and implementing a planting plan, restoring the existing roadbed, managing for invasive species, thinning existing conifers, and off-site mitigation for the loss of existing oak-woodland habitat loss.

Implementing the *Biological Evaluation* and *Oak and Wildlife Conservation Plan* in full will not compromise the integrity of the wildlife site.

26. Commission Rule 350-81-580(4)(d) states:

If the Executive Director, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated through mitigation measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Executive Director will incorporate them into the development review order and the wildlife protection process may conclude.

After discussing the project with Klickitat County, the Underwood Conservation District agreed to develop the *Oak and Wildlife Conservation Plan*, in April 2020. The plan helps to mitigate for any potential effects to the integrity of the affected wildlife sites. The Executive Director incorporated the mitigation measures into these findings and conditions of approval.

27. Commission Rule 350-81-580(4)(e) states:

The project applicant shall prepare a wildlife management plan if the Executive Director, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

In the *Biological Evaluation*, authors Ms. Belloli and Mr. Gilmore determined that the project was most likely to adversely affect (MLTAA) western gray squirrel and oak woodland habitats and provided mitigation options. The Executive Director, in consultation with WDFW, determines this to be true. Underwood Conservation District worked with Klickitat County to develop the *Oak and Wildlife Conservation Plan*, to help mitigate for any potential adverse effects to the integrity of the affected wildlife sites. On site recommendations included protecting existing oak and large conifer trees from damage during construction activities, developing and implementing a planting plan, restoring the existing roadbed, managing for invasive species, thinning existing conifers, and off-site mitigation for the loss of existing oak-woodland habitat loss.

28. Commission Rule 350-81-580(4)(f) states:

The Executive Director shall submit a copy of all field surveys and wildlife management plans to Oregon Department of Fish and Wildlife or Washington Department of Fish and Wildlife. The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the Executive Director.

The Executive Director shall record and address any written comments submitted by the state wildlife agency in the land use review order.

Based on the comments from the state wildlife agency, the Executive Director will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the Executive Director shall justify how the opposing conclusion was reached.

The Executive Director shall require the applicant to revise the wildlife management plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

Following other noticing requirements, Staff sent the report to WDFW on November 12, 2019. Staff also met with Ms. Johnson, a wildlife biologist with WDFW, on November 20, 2019, to discuss the potential effects of the project to wildlife in the region. After discussing the project with Ms. Johnson, Staff determined that the time of the year the squirrels will be least sensitive to disturbance is during the winter. A condition of approval is included in the Decision mandating all nesting trees be removed during the months of November to February, at the time of the year when the wildlife is least sensitive to disturbance.

After discussing the project with Klickitat County, the Underwood Conservation District was enlisted to develop the *Oak and Wildlife Conservation Plan* to help to mitigate for any potential effects to the integrity of the affected wildlife sites eliminate any potentially major or adverse effects to wildlife sites and ensure the proposed use would be consistent with the wildlife policies and guidelines. The Executive Director incorporated the mitigation measures into these findings and conditions of approval. With conditions of approval addressing the removal of nesting trees and the inclusion of the *Oak and Wildlife Conservation Plan* developed by Underwood Conservation District, the proposed use is consistent with wildlife policies in guidelines.

29. Commission Rule 350-81-580(5) provides rules for Wildlife Management Plans. These rules plans shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. The primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. Commission Rule 350-81-580(5) states:

Wildlife Management Plans

Wildlife management plans shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his/her development options, and mitigates temporary impacts to the wildlife area or site and/or buffer zone.

Wildlife management plans shall meet the following guidelines:

- (a) Wildlife management plans shall be prepared by a professional wildlife biologist hired by the project applicant.*
- (b) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.*
- (c) The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.*
- (d) A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.*
- (e) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect sensitive wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:
 - (A) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.*
 - (B) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.**
- (f) Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered or degraded in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site. Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.*
- (g) The applicant shall prepare and implement a 3-year monitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall include an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.*

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement guidelines.

Ms. Belloli and Mr. Gilmore prepared the *Biological Evaluation* and proposed mitigation in compliance with this rule. They determined that the project was most likely to adversely affect (MLTAA) western gray squirrel and oak woodland habitats. The entirety of the project is in western gray squirrel habitat and seven nesting trees were identified for removal. The project also calls for the removal of 2,783 Oregon white oak trees.

Western gray squirrels use oaks for food, seasonal cover, travel, and escape routes; conifer trees supply cones, truffles, nest sites, and escape cover. Squirrels are most often seen in the transition zones between oak and conifer stands which consist of around 50 percent conifer and 30 percent oak. Amber Johnson, WDFW Habitat Biologist, determined the time of the year the squirrels will be least sensitive to disturbance is during the winter. A condition of approval is included in the Decision mandating all nesting trees be removed during November to February, at the time of the year when the wildlife is least sensitive to disturbance. The oak woodland improvements include the planting of Oregon white oak in order to improve gray squirrel habitat. The thinning of conifers is encouraged as a mitigation effort as long as the ratios of canopy coverage of the oaks is 25 percent. Thinning conifers in areas with existing oaks will promote growth and regeneration. In areas with minimal existing oaks, conifer thinning will support sprout regeneration where there are existing trees and seed germination.

The site is also completely located in mule and black-tailed deer winter range. Recommended habitat improvements for deer and elk winter range include removing noxious and invasive plant species and revegetating the project area with native plants suitable for winter foraging. Thinning conifers also helps to improve habitat by releasing understory growth and promoting woody shrubs.

In part to fulfill the requirements of this rule, Underwood Conservation District worked in partnership with Klickitat County and the Gorge Commission to develop the *Oak and Wildlife Conservation Plan* (April 2020), to help mitigate effects to the integrity of the wildlife site. Recommendations included:

- 1) Protect existing oak and large conifer trees from damage during construction activities and road construction activities. High-value trees should be flagged for protection and communicated to the construction contractor.
- 2) Develop and implement a Planting Plan to replace the highest value oak trees lost in this project on-site. The plan will outline the locations and approach for the successful on-site planting of 150 new Oregon white Oak seedlings. This total is based on a 3:1 ratio for medium oak trees and a 5:1 ratio for large oak trees. Areas disturbed by construction activities will be replanted with native shrubs and early season native grasses and forbs.
- 3) Restore and replant in areas where the road is being decommissioned with appropriate native species, including grasses, groundcovers, shrubs, oaks, and other trees, where appropriate. Some of these areas could be filled to restore the original slope prior to seeding or planting.

- 4) Manage for invasive species during and after project implementation. Fill and soil, both disturbed or imported by the road construction project, will be vulnerable to weed infestation, and early detection/rapid response of noxious weeds will be critical to long-term management.
- 5) Thin existing conifers in oak/pine and oak/Douglas fir stands to release existing oak from conifer encroachment. Existing oak trees should be protected during this activity. This activity could take place in numerous locations along the project area but is focused in the northern-most "Oak Woodland Improvement Area" on the County's Mitigation Plan Map (dated 3/5/20).
- 6) Thin existing Douglas fir/pine stands in the project area in order to improve general forest health and reduce wildfire risk. This activity could take place in numerous locations along the project area, but is focused in the southern-most "Oak Woodland Improvement Area" on the County's Mitigation Plan Map (dated 3/5/20).
- 7) To protect wildlife travel corridors in the project area, modify any fencing within the road right-of-way that is unnecessary or unfriendly to wildlife crossing.
- 8) Implement wetland and riparian area mitigation as outlined in the *Wetland Mitigation Report*, prepared by Skillings Connolly Environmental.
- 9) Mitigate for loss of existing oak woodland habitat in this project at a ratio of 1:1, which is estimated at 4 acres based on an analysis of aerial photos (see attached Forest Type Map). The off-site mitigation activities may take place on contiguous public lands within the Columbia River Gorge National Scenic Area in Klickitat County, and should be developed with an experienced consultant and performed by knowledgeable contractors. Off-site mitigation activities, depending on site needs, could include a combination of habitat enhancement and/or restoration projects such as thinning encroaching conifers in high value oak habitats, planting oak seedlings, and creation of wildlife habitat features.

Klickitat County shall be responsible for implementing and complying with the proposed mitigation measures and best management practices described in the approved *Oak and Wildlife Conservation Plan* (Underwood Conservation District, 2020). Klickitat County shall develop and maintain an onsite monitoring program including annual reports to ensure the success of the proposed mitigation actions. The reports shall include a post-construction report including photographic evidence on conifers thinned, high-value trees retained, and squirrel nests avoided, length of fence removed or retrofitted to be wildlife friendly, and an annual report submitted for three years that documents and monitors plantings with photos, notes on success, replacements if needed, and invasive species removal. These requirements are included in the Director's Decision as conditions of approval. With the approval of the *Biological Evaluation* and *Oak and Wildlife Conservation Plan*, staff finds the proposal in consistent with Commission Rule 350-81-580.

30. Commission Rule 350-81-580(6) states:

New fences in deer and elk winter range

- (a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.*
- (b) New and replacement fences that are allowed in winter range shall comply with the guidelines in Specifications for Structural Range Improvements (Sanderson, et al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:*
 - (A) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.*
 - (B) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.*
 - (C) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.*
 - (D) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.*
- (c) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.*

The project narrative does not identify new fencing for installation, but states that, “Any fencing being replaced within the project limits will be replaced with barbwire and either wood posts or steel posts painted green in their entirety.” A condition of approval in the Director’s Decision requires the top wire to be lower than 42 inches from the ground, that the distance between the top two wires be at least 10 inches, that the bottom wire be at least 16 inches above the ground, and that stays be positioned between fenceposts, consistent with this rule.

31. Commission Rule 350-81-590 protects sensitive plants in the GMA. The upper portion of the proposed development, CRP 342, is in the GMA and is subject to those rules. Commission Rule 350-81-590(1)(a) states:

Sensitive Plants and Site Plans for Review Uses Near Sensitive Plants

- (a) Proposed uses shall not adversely affect sensitive plants. "Sensitive plants" means plant species that are*
 - (A) endemic to the Columbia River Gorge and vicinity,*
 - (B) listed as endangered or threatened pursuant to federal or state endangered species acts, or*
 - (C) listed as endangered, threatened, or sensitive by the Oregon or Washington Natural Heritage program.*
- Updated lists of sensitive plant species can be found on the websites for the Oregon or Washington Natural Heritage Program. A list also is maintained by the USDA Forest Service – Scenic Area Office and available on the Gorge Commission website.*

The applicant provided a survey titled, *Wildlife and Rare Plant Survey – Courtney Road Realignment*, dated October 2, 2019. The report was prepared Skillings Connolly Environmental. The survey covered a 300-foot corridor keeping the proposed alignment centered. The rare plants that have been documented as present near the project site by the Natural Heritage Program for Rare Plants were few-flowered collinsia, smooth desert parsley, and common bluecup. According to the survey report, field surveys were performed on three different occasions in 2019: April 2, April 19, and April 30. There were no rare plants observed within the proposed project area.

32. Commission Rule 350-81-590(1)(b) states:

In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

Klickitat County submitted a site plan consistent with Commission Rule 350-81-032. The plans identify the location of all proposed development along the full extent of the project area. Notice of this application was mailed directly to multiple local, state, and federal agencies, including U.S. Forest Service, Washington Department of Fish and the Washington Natural Heritage Program (WHNP).

33. Commission Rule 350-81-590(1)(b) states:

Proposed uses within 1,000 feet of a sensitive plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

No sensitive plants were identified during the project survey. No adverse effects or cumulative effects are anticipated as a result of the development.

34. Commission Rule 350-81-590(2) states:

Field Survey

A field survey to identify sensitive plants shall be required for:

- (a) Land divisions that create four or more parcels;*
- (b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;*
- (c) Public transportation facilities that are outside improved rights-of-way;*
- (d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and*
- (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.*

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. Field surveys shall identify the precise location of the sensitive plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map.

Portions of the proposed work for the upper portion of the Courtney Road project, CRP 342, are outside improved rights-of-way. Pursuant to Commission Rule 350-81-590(2)(c), a field survey is required to identify sensitive wildlife areas. The applicant provided a survey titled, *Wildlife and Rare Plant Survey – Courtney Road Realignment*, dated October 2, 2019. The report was prepared by Skillings Connolly Environmental. The survey covered a 300-foot corridor keeping the proposed alignment centered. The rare plants that have been documented as present near the project site by the Natural Heritage Program for Rare Plants were few-flowered collinsia, smooth desert parsley, and common bluecup. According to the survey report, field surveys were performed on three different occasions in 2019: April 2, April 19, and April 30. There were no rare plants observed with the proposed project area.

35. Commission Rule 350-81-590(3) states:

Review uses may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to 350-81-590(4), and reviewed under the applicable provisions of 350-81-520 through 350-81-620.

The proposed project is within 1,000 feet of multiple sensitive plant species: few-flowered collinsia, smooth desert parsley and common bluecup. See Finding F.33 below for consistency with Commission Rule 350-81-590(4). Consistency with the applicable provisions of 350-81-520 through 350-81-620 are discussed in Sections B, C, D, E, and F of this Staff Report.

36. Commission Rule 350-81-590(4) states:

Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:

- (a) Site plans shall be submitted to the Oregon or Washington Natural Heritage Program by the Executive Director. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan. If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.*
- (b) The rare plant protection process may conclude if the Executive Director, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.*
- (c) New uses shall be prohibited within sensitive plant species buffer zones.*
- (d) If a proposed use must be allowed within a sensitive plant buffer area in accordance with 350-81-078, the project applicant shall prepare a protection and rehabilitation plan pursuant to 350-81-590(5).*
- (e) The Executive Director shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Executive Director. The Executive Director shall record and address any written comments submitted by the Natural Heritage Program staff in the land use review order. Based on the comments from the Natural Heritage Program staff, the Executive Director will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Executive Director shall justify how the opposing conclusion was reached.*

Copies of the survey memo were provided to Jasa Holt, with Washington Natural Heritage Program, who reviewed the project and concurred with the results that no rare plants were observed or are known in the vicinity of the proposed development. Therefore, consistent with Commission Rule 350-81-590(4)(b), the rare plant protection process may conclude.

37. Commission Rule 350-81-590(5) provide rules for Protection and Rehabilitation Plans. These rules plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a sensitive plant buffer zone as the result of a variance. Commission Rule 350-81-590(5) states:

Protection and Rehabilitation Plans

Protection and rehabilitation plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a sensitive plant buffer zone as the result of a variance. Protection and rehabilitation plans shall meet the following guidelines:

- (a) Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.*
- (b) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.*
- (c) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.*
- (d) Sensitive plants and their surrounding habitat that will not be altered or destroyed shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.*
- (e) Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.*
- (f) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.*
- (g) Protection and rehabilitation plans shall include maps, photographs, and text. The text shall:
 - (A) Describe the biology of sensitive plant species that will be affected by a proposed use.*
 - (B) Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.*
 - (C) Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.*
 - (D) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the Executive Director an annual report that documents milestones, successes, problems, and contingency actions.**

The proposed use, the realignment and reconstruction of parts of Courtney Road, identified as CRP 342, is not a new use, and does not require a variance. Commission Rule 350-81-590(5) does not apply to the proposed development.

38. Commission Rule 350-81-590(6) states:

Sensitive Plant Buffer Zones

- (a) A 200-foot buffer zone shall be maintained around sensitive plants. Buffer areas shall remain in an undisturbed, natural condition.*
- (b) Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, man-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer zone be less than 25 feet.*
- (c) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:
 - (A) Identifies the precise location of the sensitive plants,*
 - (B) Describes the biology of the sensitive plants, and*
 - (C) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival. All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.**
- (d) The Executive Director shall submit all requests to reduce sensitive plant species buffer areas to the Oregon or Washington Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that such a request is mailed to submit written comments to the Executive Director. The Executive Director shall record and address any written comments submitted by the Oregon or Washington Natural Heritage Program in the development review order. Based on the comments from the Oregon or Washington Natural Heritage Program, the Executive Director will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Executive Director shall justify how the opposing conclusion was reached.*

In their report, Ms. Belloli and Mr. Gilmore did not identify or observe any rare plants within the proposed project area. Therefore, no buffers are required protecting sensitive plant habitat, consistent with this rule.

SPECIAL MANAGEMENT AREA: CRP 343 (MP 0.04 – MP 2.20)

39. Commission Rule 350-81-600 protects natural resources in SMAs. The lower portion of the proposed development, titled CRP 343, is in a SMA.

40. Commission Rule 350-81-600(1) states:

All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or developments. Comments from state and federal agencies shall be carefully considered. (Site plans are described in 350-81-032).

Klickitat County submitted a site plan consistent with Commission Rule 350-81-032. The plans identify the location of all proposed development along the full extent of the project area. Notice of this application was mailed directly to multiple local, state, and federal agencies including U.S.

Forest Service, WDFW, and the Natural Heritage Program. No comments were received from public agencies related specifically to natural resource protections rules.

41. Commission Rule 350-81-600(2) protects water resources in SMAs. A minimum 200-foot buffer is required for ponds and lakes, perennial or fish bearing streams. A 50-foot buffer for intermittent (including ephemeral), non-fish bearing streams. The project includes seven stream crossings. As currently constructed, all the ephemeral streams and waterways have culverts crossing under the road. No buffer zones are proposed to be reconfigured by this project because pursuant to Commission Rule 350-81-600(2)(a)(B)(iii), the project is a road improvements project exempt from the wetlands and riparian rules for SMAs. (See Finding E.45 below).
42. Commission Rule 350-81-600(2)(a) requires that all water resources are protected by establishing undisturbed buffers. Commission Rule 350-81-600(2)(A) states:

(A) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

No buffer zones are proposed to be reconfigured by this project because pursuant to Commission Rule 350-81-600(2)(a)(B)(iii), the project is a road improvements project exempt from the wetlands and riparian rules for SMAs.

43. Commission Rule 350-81-600(2)(a)(B) states:

(B) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

- (i) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.*
- (ii) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.*
- (iii) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:
 - (I) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.*
 - (II) The wetland is not critical habitat.*
 - (III) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.**

According to Commission Rule 350-81-600(2)(a)(B)(iii), in the SMAs, maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian rules if they meet the applicable rules. Staff consulted with Diane Hopster, U.S. Forest Service Hydrologist, and determined no wetland within the right-of-way are part of a larger wetland outside of the right-of-way, no wetlands are not critical habitat, and the proposed activities within the right-of-way will not adversely affect any wetland adjacent to the right-of-way. No buffer zones will be reconfigured by the proposal. Pursuant to Commission Rule 350-81-600(2)(a)(B)(iii), CRP 343 is exempted from the wetland and riparian rules.

44. Commission Rule 350-81-600(2)(c) states:

(c) The applicant shall be responsible for identifying all water resources and their appropriate buffers. (see above)

No buffer zones are proposed to be reconfigured by this project because pursuant to Commission Rule 350-81-600(2)(a)(B)(iii), the project is a road improvements project exempt from the wetlands and riparian rules for SMAs. Nevertheless, the applicant provided adequate site plans identifying the appropriate water resources. The plans identify the location of all proposed development along with the full extent of the project area, consistent with Commission Rule 350-81-600(2)(c). These are the plans that Staff used when consulting with Diane Hopster, USFS Hydrologist, as discussed in Finding E.43, above.

45. 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). Commission Rule 350-80-600(3)(a). It states:

Wildlife and Plants

(a) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 ft of a sensitive wildlife/plant site and/or area.

Sensitive Wildlife Areas and endemic plants are those areas depicted in the wildlife inventory and listed in the "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge" and "Columbia Gorge and Vicinity Endemic Plant Species" tables in the Management Plan, including all Priority Habitats listed in this Chapter. The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

Updated lists of sensitive wildlife and plant species can be found on websites for the Washington Department of Fish and Wildlife, the Wildlife Division of Oregon Department of Fish and Wildlife, and the Oregon or Washington Natural Heritage Programs. A list also is maintained by the USDA Forest Service – Scenic Area Office and available on the Gorge Commission website.

The natural resource inventory indicates that the following sensitive wildlife/plant areas and sites are within 1000 feet of CRP 343: deer and elk winter range, northern spotted owl habitat, western gray squirrel habitat, a special habitat according the Washington Department of Fish and Wildlife (WDFW), Oregon white oak woodlands, a WDFW priority habitat, the Columbia River, Columbia River basalt cliffs, talus slopes along the Columbia River, Locke Lake, Burdoin Mountain, Lower Catherine Creek, Major Creek, few-flowered collinsia, smooth desert parsley, common bluecup, and Suksdorf's desert-parsley.

46. Commission Rule 350-81-600(3)(b) states:

(b) The Executive Director shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife or the Washington Department of Fish and Wildlife for wildlife issues and by the Oregon or Washington Natural Heritage Program for plant issues).

Pursuant to this notice requirement, copies of the site plan were provided to Washington Natural Heritage Program, U.S. Forest Service and Washington Department of Fish and Wildlife on November 4, 2019.

47. Commission Rule 350-81-600(3)(c) states:

- (c) The Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:*
- (A) Identify/verify the precise location of the wildlife and/or plant area or site,*
 - (B) Determine if a field survey will be required,*
 - (C) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season, and*
 - (D) Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.*
 - (i) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:*
 - (1) the integrity and function of the buffer zones is maintained,*
 - (2) the total buffer area on the development proposal is not decreased,*
 - (3) the width reduction shall not occur within another buffer, and*
 - (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.*
 - (ii) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant,*
 - (1) identifies the precise location of the sensitive wildlife/plant or water resource,*
 - (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and*
 - (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.*
 - (iii) The Executive Director shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the Executive Director will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments 226 submitted by the federal and state agencies, the Executive Director shall justify how the opposing conclusion was reached*

The applicant provided two reports, a survey titled, *Wildlife and Rare Plant Survey – Courtney Road Realignment* and another report, *Biological Evaluation – Courtney Road Realignment* (dated October 2019). Both reports were prepared by Skillings Connolly Environmental, and were provided to U.S. Forest Service for their review along with the site plans and application materials. Staff spoke with U.S. Forest Service staff members including Casey Gatz, Land Management Planner, and Sarah Callaghan, Botanist. They reviewed the documents and determined a field survey was not required. They concluded the proposal would not harm the function or compromise the integrity of any sensitive wildlife or plant resources.

48. Commission Rule 350-81-600(3)(d) states:

- (d) The Executive Director, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:*
 - (A) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Fish and Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander.*
 - (B) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.*
 - (C) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.*
 - (D) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.*
 - (E) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.*
 - (F) The site plan is consistent with the "Oregon Guidelines for Timing of In Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000) and the Washington guidelines when they become finalized.*
 - (G) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.*
 - (H) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.*
 - (I) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed on the following Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.*

PRIORITY HABITATS TABLE	
Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.

According to the applicant, twenty-seven oak trees will be removed. In order to mitigate for the twenty-seven oak trees to be removed, higher value trees (based on WDFW's Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands) will be replaced at the following ratios: 5:1 for large oaks greater than 20" dbh, and 3:1 for medium sized oaks 12" – 20" dbh. The applicant proposes to remove nine medium oaks, and four large oaks. These requirements are included as conditions of approval in the Director's Decision. An additional condition of approval requires all disturbed areas to be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments and that disturbed areas be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year.

The applicant provided two reports, a survey, *Wildlife and Rare Plant Survey – Courtney Road Realignment*, and another report, *Biological Evaluation – Courtney Road Realignment*. Both reports were prepared by prepared by Skillings Connolly Environmental, and were provided to U.S. Forest Service for their review along with the site plans and application materials. Staff spoke with U.S. Forest Service staff members including Casey Gatz, Land Management Planner, and Sarah Callaghan, Botanist. They concluded the proposal would not harm the function or compromise the integrity of any sensitive wildlife or plant resources and concurred with the proposed mitigation. Staff also met with Ms. Johnson on November 20, 2019, to discuss the potential effects of the project to wildlife in the region and proposed mitigation. Copies of the survey memo were provided to Jasa Holt, with Washington Natural Heritage Program, who reviewed the project and concurred with the results that no rare plants were observed or are in the vicinity of the proposed development

49. Commission Rule 350-81-600(3)(e) states:

(e) The wildlife/plant protection process may terminate if the Executive Director, in consultation with the Forest Service and state wildlife agency or Heritage program, determines

- (1) the sensitive wildlife area or site is not active, or*
- (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and*
- (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the Executive Director shall incorporate them into the final decision and the wildlife/plant protection process may conclude.*

Staff discussed the projects with U.S. Forest Service staff and Washington State wildlife biologists and botanists, who agreed the proposed mitigation was adequate, and that the proposal would not compromise the integrity of the area as a wildlife site. With conditions of approval requiring mitigation for the twenty-seven oak trees being removed, and the reseeded of exposed soils with native grasses, the proposal, CRP 342, is consistent Commission Rule 350-81-600(3)(e). The wildlife/plant protection process may terminate, pursuant to this rule.

50. Commission Rule 350-81-600(3)(f) states:

(f) If the above measures fail to eliminate the adverse effects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.

No adverse effects were identified. This rule does not apply.

51. Commission Rule 350-81-600(3)(g) states:

(g) The Executive Director shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The Executive Director shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in the final decision. Based on the comments from the state and federal wildlife agency/heritage program, the Executive Director shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the Executive Director shall justify how the opposing conclusion was reached.

Staff provided copies of the site plan and application materials, including proposed mitigation to the U.S. Forest Service, Washington Natural Heritage Program and Washington Department of Fish and Wildlife on November 4, 2019. The application includes maps and narrative descriptions of the proposed activity and methods of construction. Staff discussed the projects with U.S. Forest Service staff and Washington State wildlife biologists and botanists, who agreed the proposed mitigation was adequate, and that the proposal would not compromise the integrity of the area as a wildlife site. With conditions of approval requiring mitigation for the twenty-seven oak trees being removed, and the reseeded of exposed soils with native grasses, the proposal, CRP 342, is consistent Commission Rule 350-81-600(3)(g).

52. Commission Rule 350-81-600(3)(i) states:

(i) Proposed uses and developments within 1,000 feet of sensitive wildlife areas and sites or within 1,000 feet of rare plants shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

To analyze cumulative effects, Staff analyzed 1,250 acres located on the southeast slope of Burdoin Mountain. The area is a mix of private and public ownership and are more. Coyote Wall is directly to the east and creates steep basalt scree slopes and tall basalt walls that encircle the area and create a geologic syncline stretching from the Columbia River to the top of Burdoin Mountain. The rest of the area is primarily grassy in the lower elevations, but changes to oak and coniferous woodlands in the higher elevations. 750 of these acres are publicly owned by the U.S. Forest Service. The other 500 acres are all privately owned and mostly made up of wooded residential used parcels. 300 of those acres are designated GMA Small Scale-Agriculture, and the other 200 acres make up 16 parcels that are designated SMA Agriculture. In this study area there are limited opportunities for future development. The land designated GMA Large-Scale Agriculture has a large minimum parcel size. It will likely stay in agriculture use. Due to the steep rocky nature of the terrain, livestock grazing is the preferred current use. The lands owned by the U.S. Forest Service will similarly not see much future development. Ideally, they will also be managed for healthy forest characteristics that enhance the ecological value of the land. The 500 acres in private ownership will likely see varied development and uses, although it will be predominantly residential. Most of these parcels are already in residential development. All of the parcels are below or at their minimum parcel size. Many of the parcels are heavily wooded, unfenced and retain habitat value. These parcels are designated either GMA Small-Scale Agriculture or SMA Agriculture, so mixed agricultural uses could also be developed in the future.

According to the applicant, twenty-seven oak trees will be removed. In order to mitigate for the twenty-seven oak trees to be removed, higher value trees (based on WDFW's *Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands*) will be replaced at the following ratios: 5:1 for large oaks greater than 20" dbh, and 3:1 for medium sized oaks 12" – 20" dbh. The applicant proposes to remove nine medium oaks, and four large oaks. These requirements are included as conditions of approval in the Director's Decision.

To minimize impacts, existing vegetation will be retained to the greatest extent possible. A condition of approval requires all disturbed areas to be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments and that disturbed areas be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. The applicant shall also monitor the new vegetation each spring to ensure at least 80 percent vegetative coverage for three consecutive years.

Staff provided copies of the site plan and application materials, including proposed mitigation to the U.S. Forest Service, Washington Natural Heritage Program and Washington Department of Fish and Wildlife on November 4, 2019. The application includes maps and narrative descriptions of the proposed activity and methods of construction. Staff discussed the projects with U.S. Forest Service staff and Washington State wildlife biologists and botanists, who agreed the proposed mitigation was adequate, and that the proposal would not compromise the integrity of the area as a wildlife site.

Courtney Road is a narrow road, with tight corners and limited sight lines. Widening the road will allow for safer passage of vehicles. The wider road shoulder near the intersection with SR-14 and the Coyote Wall recreation area will enhance the safety for vehicles and recreationalists. Future road projects of a similar nature could result in the cumulative degradation of the study area. It would be harder to mitigate for the impacts and create valuable habitat enhancement opportunities. However, Staff does not anticipate any other road projects or similar linear projects in this area at any time in the future, and the mitigation proposed avoids adverse impacts. The improvements are designed to provide for current and future demands. The proposal is consistent with Commission Rule 350-81-580(1)(c).

53. Commission Rule 350-81-600(4) protects soil productivity. It states:

Soil Productivity

(a) Soil productivity shall be protected using the following guidelines:

(A) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

(B) New developments and land uses shall control all soil movement within the area shown on the site plan.

(C) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

(D) 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.

As part of its submitted application, Klickitat County provided an Erosion Control Standards Plan to ensure that the soil does not become water borne or enter any water body during construction. Erosion and sedimentation control measures proposed include the use of silt fences, wattles, check dams or other methods. The applicant is also proposing all disturbed soils within the project area be permanently stabilized after completing the project by using methods such as seeding native herbaceous groundcover and applying soil stabilizers to bare soil.

To ensure compliance with the above standards, a condition of approval is included with the Director Decision requiring that all disturbed areas be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year.

CONCLUSION:

With the conditions of approval discussed above, the proposed development is consistent with the rules in Commission Rule 350-81, Sections 560 through 600, that protect natural resources in the National Scenic Area.

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.
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 Native American treaty rights and provides 20 days for tribal governments to submit comments.

The subject parcels have no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on November 11, 2019. The notice included a comment period of 21 days that ended on November 25, 2019.

3. Commission Rule 350-81-084(1)(b) lists rules for tribal government consultation when those governments submit substantive written comments. No substantive comments were received.
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 parcels do 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 does not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to this rule.

CONCLUSION:

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

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