

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C20-0004

PROPOSAL: The Columbia River Gorge Commission has received an application for two new petroglyph boulders and a new 200-foot dry-stack wall to protect the interpretive petroglyph display at Horsethief Lake Park, part of Columbia Hills State Park.

APPLICANT: Jessica Jones, for U.S. Army Corps of Engineers (USACE)

LANDOWNER: Washington State Parks

LOCATION: The subject properties are 292 acres in size, located at Horsethief Lake Park, in Section 19, Township 2 North, Range 14 East, W.M., Klickitat County Tax Lot Number 02-14-1900-0002/00.

LAND USE

DESIGNATION: The subject properties are in the General Management Area and designated Recreation.

DECISION:

Based upon the following findings of fact, the land use application by Jessica Jones, for two new petroglyph boulders and a new 100-foot dry-stack wall 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 C20-0004, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicant 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 the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development such as 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. The dry stack wall shall be composed of basalt rock native to the area and a dark earth-tone color that is the same color or darker than the picture sample provided in the application. Any proposed changes shall be submitted for review by the Executive Director for consistency with this condition of approval.
6. All disturbed areas shall be reseeded with grasses from the *Recommended 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.
7. 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.
8. 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.
9. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval.

DATED AND SIGNED THIS 7 day of July 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 7 day of July 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 6 day of August 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:

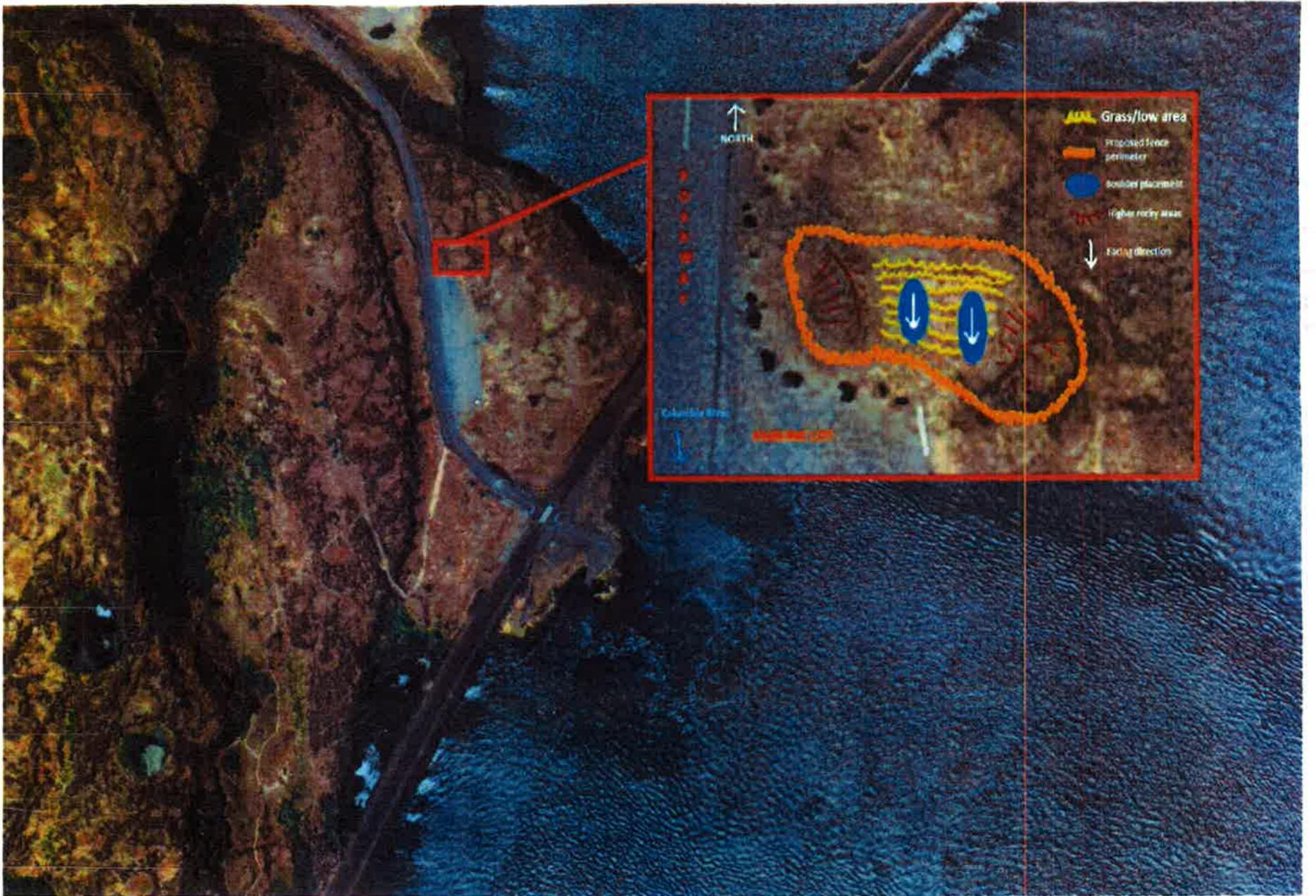
Staff Report for C20-0004
Approved site plans
List of Recommend Seed Mixes for East Side Environments

APPROVED

W. Walnakowski
7/7/20



C20-0004 USACE



C20-0004 USACE

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

<i>Native Seed Mixture #1: Recommendations for Composition and Application Rates</i>		
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

<i>Native Seed Mixture #2: Recommendations for Composition</i>	
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

<i>Non-Native Seed Mixture: Recommendations for Composition and Application Rates</i>	
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.

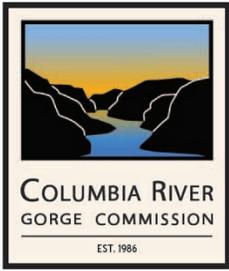
Mulch: Use certified weed free straw mulch whenever possible. Only 1-2" (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project 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: C20-0004

PROPOSAL: The Columbia River Gorge Commission has received an application for two new petroglyph boulders and a new 200-foot dry-stack wall to protect the interpretive petroglyph display at Horsethief Lake Park, part of Columbia Hills State Park.

APPLICANT: Jessica Jones, for U.S. Army Corps of Engineers (USACE)

LANDOWNER: Washington State Parks

LOCATION: The subject property is 292 acres in size, located at Horsethief Lake Park, in Section 19, Township 2 North, Range 14 East, W.M., Klickitat County Tax Lot Number 02-14-1900-0002/00.

LAND USE

DESIGNATION: The subject parcels are in the General Management Area and designated Recreation.

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, and Noah Oliver, Confederated Tribes and Bands of the Yakama Nation.

A. LAND USE

1. The subject parcels are in the General Management Area and designated Recreation. The subject parcels are approximately 292 acres in size and located to the east of Dallesport, WA, at Horsethief Lake Park, owned by Washington State Parks Association.
2. The applicant proposes two new interpretive petroglyph boulders and a dry stack rock wall to protect the petroglyphs at Horsethief Lake Park, part of Columbia Hills State Park system. The display will be located near the existing petroglyph display. The dry stack wall will surround the petroglyph and will be 200 ft. long and 3 ft. tall.
3. Commission Rule 350-81-490(1)(a) allows for publicly owned, resource-based recreation uses, subject to compliance with the guidelines for the protection of scenic, natural, cultural, and recreation resources (350-81-520 through 350-81-620) and compliance with 350-81-610(5)(a) and (c) through (g), where applicable, of the "Approval Criteria for Recreation Uses" contained in the recreation intensity class guidelines (350-81-610).

The proposed project will add to the existing petroglyph display at Horsethief State Park. Compliance with 350-81-520 through 350-81-620 is discussed in the following sections of this staff report; compliance with 350-81-610(5)(a) and (c) through (g) is discussed in Section E.

CONCLUSION:

The proposed development is a review use on lands designated GMA Recreation provided it does not adversely affect scenic, cultural, natural, or recreation resources in the National Scenic Area.

B. SCENIC RESOURCES

1. 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.

The proposed development does not include any new dwellings, buildings, or roads. No grading is proposed by the applicants except to level the ground for the dry stack wall and boulders. The ground is already relatively flat so grading on the site will be minimal. The proposal is consistent with this rule.

2. 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.

3. 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.

No new vegetation is proposed, and the applicant proposes to retain all existing topography in its natural condition. However, to ensure *visual subordination* a condition of approval is included requiring all disturbed areas be reseeded with grasses from the *Recommended Seed Mixes for East Side Environments*. (The *Recommended Seed Mixes for East Side Environments* is a document provided by the U.S. Forest Service of native seeds and forbs available locally in the area.) 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, consistent with this rule.

4. 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.

A site plan was provided consistent with Commission Rule 350-81-032 (Application for Review and Approval). The landscape setting for the subject parcel is River Bottomlands. Commission Rule 350-81-520(3)(i) contains the design guidelines for proposed uses in the River Bottomlands landscape setting. Findings B.20 through B.22 address the applicable guidelines in Commission Rule 350-81-520(3)(i) using information submitted in the site plan, consistent with this rule.

5. Commission Rule 350-81-520(2) contains guidelines that apply to development on sites visible from Key Viewing Areas (KVAs). Using Commission inventories and Google Earth, staff determined the subject parcel is topographically visible from the following three Key Viewing Areas: Columbia River, Interstate 84, and SR-14. Therefore, the guidelines of Commission Rule 350-81-520(2) apply to the proposed development.
6. Commission Rule 350-81-520(2)(b) requires new development to be *visually subordinate* to its setting when viewed from Key Viewing Areas.

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 (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 proposal includes a 200 ft. long dry stack wall and 2 petroglyph boulders. The primary material used for construction of the wall will be natural basalt rock like the natural rock found in the vicinity of the project. The applicant provided a picture sample of the proposed rock in the application materials. A condition of approval is included requiring the wall to be a dark earth tone color, as dark or darker than the sample provided in the application. The dry stack wall, due to its low height and natural basalt rock composition, will have almost no impact to visual resources from KVAs.

The applicant proposes to retain all existing topography in its natural condition. No grading is proposed by the applicants except to level the ground for the dry stack wall and boulders. No trees will be removed. To ensure visual subordination a condition of approval is included requiring all disturbed areas shall be reseeded with grasses from the *Recommended 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.

With conditions of approval requiring disturbed soils be reseeded with native grasses, and the dry stack wall be composed of dark basalt rock, the proposal will be *visually subordinate* as proposed due to its limited size and natural composition.

7. 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.

The proposed development is for the minor expansion of an existing recreation site. To consider the cumulative effects of the proposal, staff analyzed Horsethief Lake Park, and the Columbia Hills State Park system. Horsethief Lake Park is situated to the east of Horsethief Lake. The park includes a campground, boat ramp, maintenance buildings, access roads, parking lots, the existing petroglyph display, and other amenities. To the east of Horsethief Lake is Horsethief Butte, an impressive basalt outcropping and a popular rock climbing and recreational area. Facilities include a parking lot, restrooms, and hiking trails. To the north is Dalles Mountain Ranch, a popular hiking area in the spring. Facilities include old farm buildings, parking areas, access roads, restrooms, trails and electrical lines. Dalles Mountain Ranch and Horsethief Butte are both are part of the Columbia Hills State Park System. As viewed from KVAs, other development in the viewshed that create visual impacts are the Horsethief Lake Park facilities, SR 14, to the north of the development, and BNSF railroad, which crosses the parcel in the south. The new dry stack wall will expand the already existing cultural site at Horsethief Lake Park.

As discussed above, the proposal itself has no adverse impact to scenic resources because of the nature of the development. The development site uses existing roads and will be indistinguishable from the existing petroglyph display at the park. Additional recreational sites of the same size and character could be developed in the future. If similar projects are proposed in the future that are small in character, use natural materials, utilize existing infrastructure, and require minimal grading, the impacts to visual resources surrounding Horsethief Lake Park and Columbia Hills State Park will be no adverse impacts including cumulative impacts.

8. 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).

The proposed development is visible from the following Key Viewing Areas in the following distance zones:

<u>KEY VIEWING AREAS</u>	<u>DISTANCE ZONE</u>		
	FOREGROUND	MIDDLEGROUND	BACKGROUND
	0 - 1/4 Mile	1/4 - 3 MILES	Over 3 Miles
Columbia River	x	x	x
Interstate 84		x	
Washington State Route 14		x	x

The development site is situated to the west of the Horsethief Lake and north of the Columbia River. Horsethief Butte is situated across Horsethief Lake to the east. The dominant vegetation are grasses, and there are limited trees in the vicinity. The natural topography is rocky undulating terrain. The development site is flat; however, 300 ft. to the northwest of the development is a 100 ft. tall basalt cliff outcropping

From the Columbia River, the development is visible for approximately 5.5 miles. The Columbia River is slightly lower in elevation than the development, which will help to obscure the development from view in the foreground. However, in general the development will be more visible from closer distances along the Columbia River.

From I-84, the development is visible for approximately 4 miles in the middle ground. From I-84, the development is situated to the north, across the Columbia River, at a similar elevation. From this distance it will create a small impact in the viewshed and be difficult to identify.

From SR-14, the development is visible for approximately 5 miles in the middle ground and background distance zones. From the SR-14, the development is only visible from northeast. From northwest of the development along SR 14, there is a 100-foot tall basalt cliff between SR 14 and the development screens the development from view. From northeast of the development along SR 14, the development is visible intermittently.

From each of the distance zones, it will be difficult to distinguish the dry stack wall from the surrounding landscape and existing park development due to its size and composition.

9. 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 applicant proposes to retain all existing topography in its natural condition. No grading is proposed by the applicants except to level the ground for the dry stack wall and boulders. No trees will be removed. To ensure visual subordination a condition of approval is included requiring all disturbed areas to be reseeded with grasses from the *Recommended 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 rock wall will be composed of natural basalt rock. A condition of approval is included requiring the wall to be a dark earth tone color. With conditions of approval requiring disturbed soils be reseeded with native grasses and the dry stack wall be composed of dark basalt rock, the proposal will be *visually subordinate* as proposed due to its limited size and natural composition as seen from KVAs.

10. 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 described in Finding D below, the development is not located within the sites or buffers of sensitive natural or cultural resources. The proposal will be *visually subordinate* as proposed due to its limited size and natural composition.

11. 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.

Consistent with this rule, the applicant proposes to retain existing topography in its natural condition. No grading is proposed by the applicants except to level the ground for the dry stack wall and boulders. No trees will be removed, and the only vegetation removed will be to clear the ground for the petroglyph boulders and dry stack wall.

12. 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 subject parcel is in the *River Bottomlands* landscape setting. Findings B.20 through B.22 address the applicable guidelines for proposed development in this landscape setting.

13. 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.

No new buildings are proposed. This rule does not apply.

14. Commission Rule 350-81-520(2)(j) applies to new landscaping. No new landscaping is required to render the development visually subordinate. The rule does not apply.

15. Commission Rule 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 proposed development will be composed of natural basalt rock. The colors of the rock are dark earth tone colors found at the specific site. The applicant provided a picture sample of a basalt dry stack wall in the application. The colors in the sample were dark and similar to rock found at the specific site. A condition of approval is included stating the dry stack wall shall be composed of basalt rock native to the area and a dark earth-tone color that is the same color or darker than the picture sample provided in the application. With a condition of approval specifying a dark earth-tone color for the dry stack wall, the development is consistent with Commission Rule 350-81-520(2)(l).

16. 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.

There are no buildings proposed. This guideline does not apply.

17. 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.

There are no exterior lighting fixtures proposed. This guideline does not apply.

18. 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 roads, parking lots or buildings are proposed as part of this application. This application does not include any cut banks, fill slopes or any alterations to existing topography

19. Commission Rule 350-81-520(2)(aa) requires all proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas to include a grading plan containing specific plan elements.

This application does not include any grading; a grading plan is not required.

20. The Landscape Settings Map in the Management Plan for the Columbia River Gorge National Scenic Area classifies the subject parcel as *River Bottomlands*. Commission Rules 350-81-520(3)(i)(A) and (C) contain applicable guidelines for the proposed development in this landscape setting.

21. Commission Rule 350-80-520(3)(i)(A) states:

(A) 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) Except as is necessary for site development or safety purposes, existing tree cover screening the development from key viewing areas shall be retained.*
- (ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas-fir, western red cedar and western hemlock (west Gorge), and various native willow species.*
- (iii) At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.*

The proposal is for a 3-foot-tall dry stack wall and does not include any new buildings or roads. No trees are proposed to be removed, and no vegetation is required for screening. This rule does not apply.

22. Commission Rules 350-81-520(3)(i)(C) states:

Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible. In other River Bottomland areas, uses of moderate-intensity and/or high intensity recreation uses may be compatible, provided that:

- (i) their designs emphasize retention and/or enhancement of native riparian communities,*
- (ii) structures and parking areas are visually subordinate*
- (iii) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.*

The proposed development is for a minor expansion of an existing recreation site. The site is part of Horsethief Lake Park, which includes a campground, boat ramp and other amenities. The Recreation Intensity Class for the subject parcel is IV, and the site is zoned GMA Recreation. The proposed project will not create any new impacts to any native riparian communities because the development is not located within the sites or buffers of sensitive natural resources, as discussed in the Section D. The proposed development does not include any new, buildings, roads, or parking areas. The project will retain the overall appearance of the landscape by retaining existing topography. No trees are proposed to be removed.

CONCLUSION:

With conditions of approval, the proposed development is consistent with the applicable policies of the Management Plan and guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. CULTURAL RESOURCES

1. Except as specified in Commission Rule 350-81-540(1)(c)(A)(iii), new development requires a reconnaissance survey. Commission Rule 350-81-540(3) requires that, if cultural resources are discovered, an evaluation of the significance shall be conducted. Commission Rule 350-81-540(3)(d)(C) states that if it is determined that the cultural resources are significant, the effects of the proposed use shall be assessed. Commission Rule 350-81-540(5)(a) requires mitigation plans when proposed uses would have an adverse effect on significant cultural resources. Mitigation plans shall reduce an adverse effect to no effect or no adverse effect.
2. 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. Chris Page, USACE Chief, Environmental Resources Branch provided a letter and *Treatment Plan* that discussed the significance of the petroglyphs, mitigation proposed and resolution of adverse effects from The Dalles Dam Project.
3. Chris Donnermeyer, Heritage Resource Program Manager for the U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the new land use application and information from Mr. Page and provided a review letter, dated April 14, 2020, that concurred with the recommendation by Mr. Page.
4. 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 Mr. Donnermeyer's letter and Mr. Page's letter and mitigation plan were sent to the State Historic Preservation Officer and tribal governments on May 20, 2020 for comment. No comments were received following the notice.
5. Commission Rule 350-81-540(2)(a)(A) and (B) allow interested parties who so request during the comment period to consult with the applicant and request ethnographic research regarding cultural resources. No such consultation or research was requested of the applicant during the comment period.
6. 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.

Mr. Page recommends that the development will have no effect on cultural resources, and Mr. Donnermeyer concurs with Mr. Page's recommended assessment. Initial notice of the proposed development was mailed on February 13, 2020 to interested parties. Staff provided the Cultural Resource Report to the State Historic Preservation Office and the four Native American treaty tribes on May 20, 2020 during the 30-day comment period, which ended June 19, 2020.

Comments were received Noah Oliver with Confederated Tribes and Bands of the Yakama Nation during the 21-day initial notice period for the project; however, no issues with the proposed development were identified. No substantiated concerns regarding cultural resource impacts were voiced by the State Historic Preservation Officer or Indian tribal governments during the Cultural Resource Report 30-day comment period. Therefore, the cultural resource protection process may conclude.

7. 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.

In his letter, Mr. Page makes the determination that the proposed development has no adverse effect on cultural resources conditions. Mr. Donnermeyer concurred with the recommendations in the letter. Staff finds the new proposed location for the petroglyphs and dry stack will not create any new cumulative impacts to cultural resources.

8. 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. A condition of approval implementing this requirement is included in this decision.
9. 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 guidelines in Commission Rule 350-81-540 that protect cultural resources in the National Scenic Area.

D. NATURAL RESOURCES

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).
2. The Gorge Commission’s natural resource inventories identify one wetland within the vicinity of the proposed development. The wetland is approximately 700 ft. southeast of the project site, outside of the buffers required by Commission Rule 350-81-560(7)(c). Therefore, Commission Rule 350-81-560 that protects wetlands does not apply.
3. The Gorge Commission’s natural resource inventories identify one lake, Horsethief Lake, and the Columbia River within the vicinity of the project site. Horsethief Lake is more than 200 ft. away from the project site, and the Columbia River is located approximately 500 ft. away from the

project site, outside of the buffers required by Commission Rule 250-81-560(7)(a). Therefore, Commission Rule 350-81-570 that protect streams, ponds, lakes, and riparian areas does not apply.

4. The Gorge Commission's sensitive wildlife inventory shows the applicant's development site is within 1,000 ft. of Horsethief Lake, a special habitat for waterfowl during the winter, and the Columbia River. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include these areas.

Pursuant to other noticing requirements, on February 13, 2020, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan. WDFW did not indicate any concerns with the proposed development.

5. The Gorge Commission's sensitive plant inventory identified multiple potentially sensitive plant sites within 1,000 feet of the proposed development. On March 25, 2020, staff sent the DNR Natural Heritage Program a copy of the applicant's land use application and site plan. Jasa Holt, Natural Heritage Program, had no records for rare plants, rare nonvascular species, or rare/high-quality ecological communities in the vicinity of the project, and determined no buffers were necessary, pursuant to Commission Rule 350-81-590(4)(a). Therefore, the proposal complies with Commission Rule 350-81-590 that protects sensitive plants.

CONCLUSION:

The proposed development is consistent with the guidelines in Commission Rule 350-81, Sections 560 through 590, that protect natural resources in the National Scenic Area.

E. 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.

The new proposed petroglyphs and rock wall will add to and enhance the existing petroglyph display at Horsethief Lake Park. No buffers are required pursuant to Commission Rule 350-81-086.

2. Commission Rule 350-81-610 provides guidelines for protecting Recreation Resources in the GMA. The subject development is on lands designated Recreation Intensity Class IV (High Intensity).
3. Commission Rule 350-81-610(5) includes approval criteria for recreation uses. Only Commission Rule 350-81-610(5)(h) applies to the proposed project. It states:

For proposed projects that include interpretation of natural or cultural resources: A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

The project provides for viewing petroglyphs, a cultural resource. To protect the petroglyphs from vandalism, the applicants proposed a dry stack rock wall. The entire petroglyph display is located

at Horsethief State Park, which has on site staff, locked access and is only open seasonally. These resource protection measures are adequate for protecting on the cultural resources on display.

CONCLUSION:

The proposed development is consistent with Commission Rule 350-81-086 and Commission Rule 350-81-610 that protect recreation resources in the National Scenic Area.

F. TREATY RIGHTS PROTECTIONS

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

The subject parcel is located adjacent to the Columbia River and has river access. The project site is and located approximately 500 feet from the Columbia River and an on-site boat launch. Pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on February 13, 2020. The notice included a comment period of 21 days that ended on March 6, 2020.

3. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when those governments submit substantive written comments. No substantive written comments were received. The proposal is consistent with Commission Rule 350-81-084(1)(b).
4. Commission Rule 350-81-084(c)(B) states,

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

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

CONCLUSION:

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

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