

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C20-0015

PROPOSAL: The Columbia River Gorge Commission has received an application for a lot line adjustment.

APPLICANT: Michael Rockwell & Bill Osborne

LANDOWNERS: Michael Rockwell, *1.96 acres, Tax Lot 02-13-1762-0010/00*
Bill Osborne, *1.89 acres, Tax Lot 02-13-1762-0011/00*

LOCATION: The subject parcels are located in the north east quarter of Section 17, Township 2 North, Range 13 East, W. M., Klickitat County.

LAND USE

DESIGNATION: General Management Area (GMA) – Residential (5) and Large Scale Agriculture (40)

DECISION:

Based upon the following findings of fact, the land use application by Michael Rockwell and Bill Osborne for a lot line adjustment 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 C20-0015, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.
2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development, alterations, or grading not included in the approved application or site plan will require a new application and review.
4. The lot line adjustment shall be conducted as shown on the approved surveyor's map. Any changes shall be reviewed and approved by the Executive Director before the changes are

implemented.

5. 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.
6. 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.

DATED AND SIGNED THIS 18 day of November 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 18 day of November 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 December 2020.

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

NOTES:

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

This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

cc:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department of Archaeology and Historic Preservation
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Public Works Department
Klickitat County Health Department
Klickitat County Assessor
Washington Natural Heritage Program
Washington Department of Fish and Wildlife
Steve McCoy, Friends of the Columbia Gorge

Attachments:

Staff Report for C20-0015
Approved boundary line adjustment map

CLICKITAT COUNTY, WA. BOUNDARY LINE ADJUSTMENT NO. BLA _____
 IN THE SE1/4 NE1/4 OF SECTION 17, T 2 N, R 13 E, WM



OWNERS
 G. MICHAEL AND DONNA ROCKWELL
 112 RIVERVIEW DRIVE
 LYLE, WA 98635
 WILLIAM OSBORNE AND CHERYL GRAHAM
 108 RIVERVIEW DRIVE
 LYLE, WA 98635



We, owners of the lots as herein adjusted, hereby declare that this boundary line adjustment has been made with our free consent and in accordance with our desires.

Owner _____ Date _____ Owner _____ Date _____
 WITNESS MY HAND AND OFFICIAL SEAL the day and year first written.
 Dated this ____ day of _____, 20 ____

Notary Public in and for the State of Washington
 Residing in _____

Owner _____ Date _____ Owner _____ Date _____
 WITNESS MY HAND AND OFFICIAL SEAL the day and year first written.
 Dated this ____ day of _____, 20 ____

Notary Public in and for the State of Washington
 Residing in _____

I, Jesse P. Garner, registered as a land surveyor in the State of Washington, certify that this Boundary Line Adjustment is based on an actual survey conducted by me or under my supervision during the period of _____, 20____ through _____, 20____ that the distances, courses, and angles are shown thereon correctly, and that monuments have been set and the adjustment lot line is staked on the ground as depicted on this drawing.
 Dated this ____ day of _____, 20____

Licensed Land Surveyor _____ PLS No. 42687

I hereby certify that all taxes and compensating taxes and/or penalties and property contained within the plat shown herein have been paid, discharged, or satisfied.

Dated this ____ day of _____, 20____

Clickit County Treasurer
 I hereby certify that the Boundary Line Adjustment hereon has been examined by me and that said adjustment will not cause a violation of County Health Department requirements.

Dated this ____ day of _____, 20____

Clickit County Health Officer
 I hereby certify that the Boundary Line Adjustment hereon has been examined by me and that it is in conformance with county standards for survey data, access, and easements.

Dated this ____ day of _____, 20____

Clickit County Engineer
 I hereby certify that the Boundary Line Adjustment shown hereon has been examined by me and that the said adjustments will not cause a violation of Clickit County Comprehensive plan, Zoning Ordinance, and/or other applicable laws and policies and further that said adjustment is approved as to form.

Dated this ____ day of _____, 20____

Clickit County Planning Director
 Examined and approved this ____ day of _____, 20____
 Board of Clickit County Commissioners

Chairman _____ Member _____
 Clerk of the Board _____ Member _____

PSE Pioneer Surveying & Engineering, Inc.
 Civil Engineering and Land Planning
 125 Simcoe Drive
 Goldendale, Washington 98620
 Phone (509) 773-4946, Fax (509) 773-5888, E-Mail pse@pse.net, Job No _____

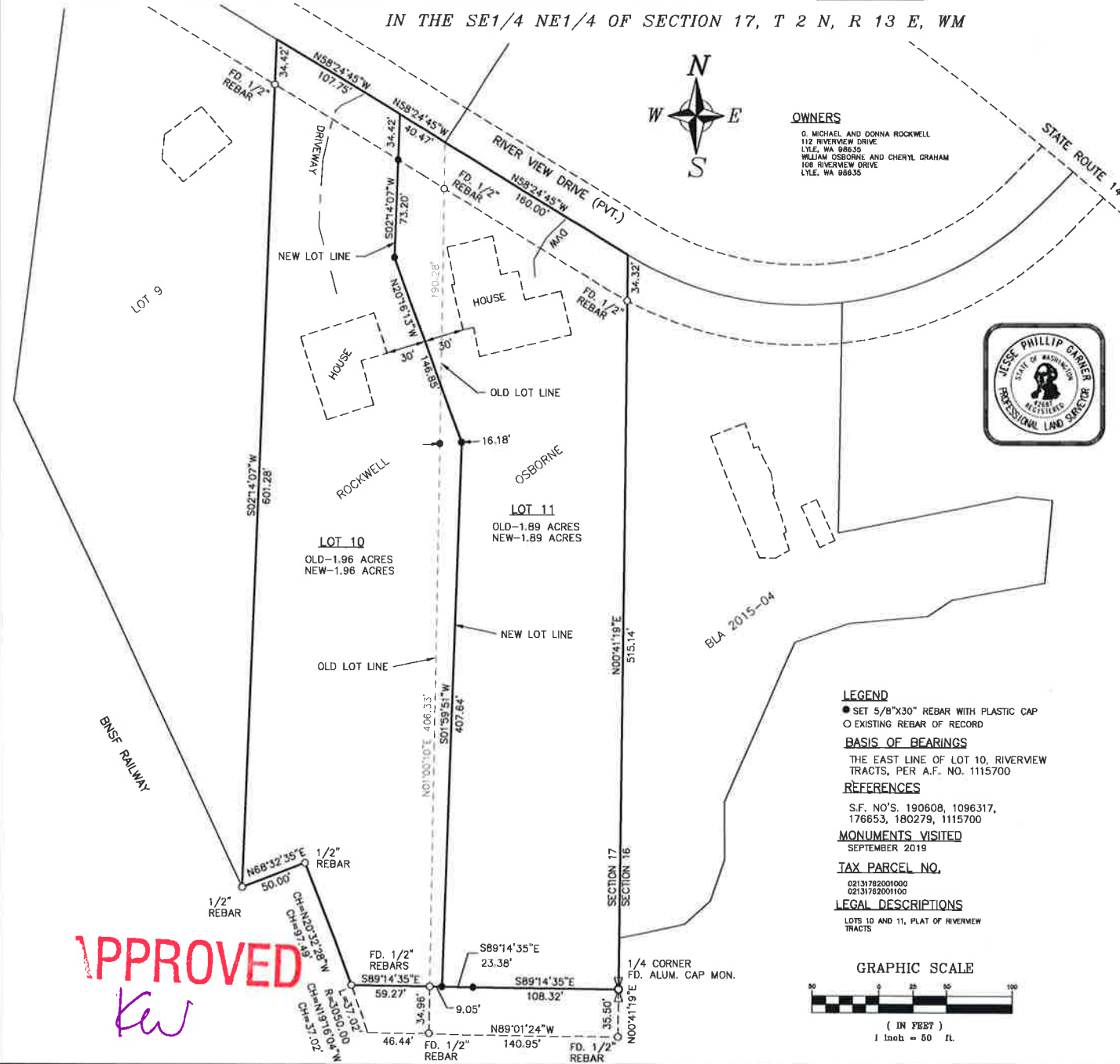
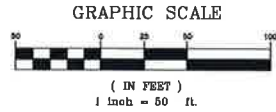
OSBORNE/ROCKWELL B.L.A.

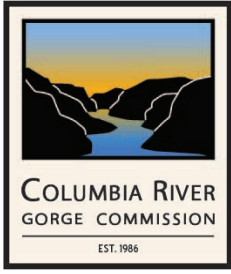
BOUNDARY LINE ADJUSTMENT FILED FOR RECORD AT THE REQUEST OF _____ ON THIS ____ DAY OF _____, 20____ AT _____ AND RECORDED IN VOL _____ OF BOUNDARY LINE ADJUSTMENTS, PAGE _____ RECORDS OF CLICKITAT COUNTY, WA

Deputy Auditor _____ Auditor No. _____

APPROVED
Kw

LEGEND
 ● SET 5/8"x30" REBAR WITH PLASTIC CAP
 ○ EXISTING REBAR OF RECORD
BASIS OF BEARINGS
 THE EAST LINE OF LOT 10, RIVERVIEW TRACTS, PER A.F. NO. 1115700
REFERENCES
 S.F. NO'S. 190608, 1096317, 176653, 180279, 1115700
MONUMENTS VISITED
 SEPTEMBER 2019
TAX PARCEL NO.
 02131782001000
 02131782001100
LEGAL DESCRIPTIONS
 LOTS 10 AND 11, PLAT OF RIVERVIEW TRACTS





COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

- CASE FILE:** C20-0010
- PROPOSAL:** The Columbia River Gorge Commission has received an application for a lot line adjustment.
- APPLICANT:** Michael Rockwell & Bill Osborne
- LANDOWNER:** Michael Rockwell, *1.96 acres, Tax Lot 02-13-1762-0010/00*
Bill Osborne, *1.89 acres, Tax Lot 02-13-1762-0011/00*
- LOCATION:** The subject parcels are located in the north east quarter of Section 17, Township 2 North, Range 13 East, W. M., Klickitat County.
- LAND USE DESIGNATION:** General Management Area (GMA) – Residential (5) and Large Scale Agriculture (40)

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, Friends of the Columbia River Gorge.

A. LAND USE

1. Michael Rockwell and Bill Osborne have applied for a lot line adjustment to their adjacent parcels (Lots 10 and 11, respectively) in the Riverview Tracts area, located east of Murdock along SR 14. The Rockwell parcel is 1.96 acres, with a single-family dwelling approved by the Gorge Commission in C92-0010 and further development approved by the Commission in C07-0013. The Osborne parcel is 1.89 acres, with a single-family dwelling approved by the Gorge Commission in C08-0005. Both parcels are primarily designated GMA Residential (5-acre minimum), with a small portion of land designated GMA Large Scale Agriculture (40-acre minimum) at the south end of the parcels.
2. Commission Rules 350-81-182(1), Uses Allowed through the Expedited Development Review Process—Agricultural Land, and 350-81-365(1), Uses Allowed through the Expedited Development Review Process—Residential Land” each state that the uses listed in Commission Rule 350-81-050 are allowed with review through the expedited development review process, subject to review for compliance with the resource protection and procedural guidelines contained in Commission Rule 350-81-052. Lot line adjustments are included as an expedited review use in Commission Rule 350-81-050(1)(k):

Lot line adjustments in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to 350-81-126(1), except all lot line adjustments for parcels designated Open Space, Agriculture-Special, Public Recreation, or Commercial Recreation shall be reviewed through the full development review process.

As the proposed lot line adjustment will take place on lands designated Residential and Large Scale Agriculture, it will be reviewed using the expedited development review process.

3. Commission Rule 350-81-126(1) states the review standards for lot line adjustments in the General Management Area, outside of Agriculture Special, Open Space, Commercial, Public Recreation, or Commercial Recreation land use designations. The proposed lot line adjustment takes place within the GMA outside of those listed land use designations and will be reviewed under these standards.

(A) The lot line adjustment shall not result in the creation of any new parcel(s).

The proposed lot line adjustment is intended to address an encroachment issue and does not result in the creation of any new parcels.

(B) The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the maximum density allowed by the land use designation(s) for the affected parcels.

Both parcels are primarily designated as GMA Residential with a 5-acre minimum parcel size, and both are less than 2 acres in size. Following the proposed lot line adjustment, neither parcel will have the potential to create a new parcel through a future land division. Similarly, following the proposed lot line adjustment, each parcel will still contain one existing dwelling, and as such neither parcel will be capable of residential development in excess of the maximum density allowed by the Residential or Large Scale Agriculture land use designations.

(C) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to

acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

Neither parcel is equal to or larger than the minimum parcel size allowed in either land use designation. This standard does not apply.

(D) The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:
(i) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided (1) the parcel to be enlarged would not become eligible for a subsequent land division and (2) the amount of land transferred would be the minimum necessary to resolve the issue.
(ii) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

Both parcels are smaller than the minimum parcel size in each land use designation. The proposed lot line adjustment has been designed to keep the acreage of each parcel unchanged, at 1.96 acres and 1.89 acres, respectively. While the purpose of the lot line adjustment is to correct a physical encroachment, neither parcel will be reduced in size. This standard does not apply.

(E) The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture, Agriculture-Special, Commercial Forest Land, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).

Both parcels have a small strip of land designated Large Scale Agriculture (40) at their south ends. The proposed lot line adjustment will affect the distribution of designated Agricultural land between the two parcels, slightly increasing the amount on the Rockwell parcel and slightly reducing the portion on the Osborne parcel. The application for the proposed lot line adjustment does not contemplate further residential development, and as the parcels are primarily designated Residential, the proposed lot line adjustment does not extend the Large Scale Agriculture designation in such a way that would allow either landowner to establish a dwelling in excess of what is already allowed.

(F) The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection guidelines, including, but not limited to, requirements for buffer zones and landscaping.

Director's Decisions C92-0010 approved the development of a single-family dwelling on the Rockwell parcel. C07-0013 approved further minor development on the parcel. Each decision included several conditions of approval; however, they regard features of the respective developments that are not impacted by the proposed lot line adjustment, such as requiring certain

building materials or describing cultural resource protection measures. The lot line adjustment corrects encroachment in such a way that ensures that screening vegetation required in the two previous decisions is entirely on the Rockwell parcel, ensuring compliance with those conditions of approval.

Director's Decision C08-0005 approved the development of a single-family dwelling on the Osborne parcel. Conditions of approval included in that decision are also unaffected by the proposed lot line adjustment. Landscaping vegetation required by C08-0005 is to the north, east, and south of the approved dwelling, and outside of the area included for the proposed lot line adjustment.

The proposed lot line adjustment would have no effect on other required buffers or resource protection guidelines included in the three previous Director's Decisions on these parcels. The parcels will not become out of compliance or further out of compliance with existing land use and resource protection guidelines as a result of the proposed lot line adjustment.

(G) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.

This provision ensures that the resulting parcels from the proposed lot line adjustment could be buildable in compliance with land use and resource protection standards. Each parcel is already developed with a single-family dwelling and other associated improvements, including landscaping required for scenic resource protection. The proposed lot line adjustment will not change the total acreage of either parcel, and will not significantly change the proportion of each parcel that is designated Residential and the proportion that is designated Large Scale Agriculture. Even if either parcel were to be redeveloped entirely, the shift in the lot line on either parcel does not influence the capability of either parcel to comply with applicable natural or cultural resource buffers, agricultural buffers, or scenic and recreation resource protection guidelines. Following the lot line adjustment, both parcels shall be able to comply with existing land use and resource protection guidelines.

CONCLUSION:

The proposed lot line adjustment is an allowed expedited review use, subject to Commission Rule 350-81-052 which protects scenic, cultural, natural, and recreation resources and treaty rights for uses reviewed through the expedited review process.

B. SCENIC RESOURCES

1. Commission Rule 350-81-052(1)(a) describes the scenic resource protection guidelines for expedited review uses. These guidelines apply to woven-wire fences, structures visible from Key Viewing Areas, exterior lights, and signs. This application is for a lot line adjustment and does not contemplate any of the development listed in this Rule. The scenic resource protection guidelines for expedited review uses do not apply to this application.

CONCLUSION:

The proposed lot line adjustment is consistent with the expedited review use guidelines in Commission Rule 350-81-052(1)(a) that protects scenic resources in the National Scenic Area.

C. CULTURAL RESOURCES

1. Commission Rule 350-81-052(1)(b) describes the cultural resource protection guidelines for expedited review uses.
2. Commission Rule 350-81-052(1)(b)(A) states:

The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to 350-81-540(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(B).

3. Chris Donnermeyer, Heritage Resource Program Manager for the U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination, dated October 8, 2020, that pursuant to Commission Rule 350-81-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use involves a lot line adjustment, and occurs on a site that has been adequately surveyed in the past. While both parcels are within 500 feet of a known archaeological site, the previous survey of the site was thorough enough that, in this case where the application involves no ground disturbance, Mr. Donnermeyer recommended that another survey was not required. Given this information, a reconnaissance survey was not required, consistent with Commission Rule 350-81-540(1)(c)(A).
4. Commission Rule 350-81-540(1)(c)(B) describes when a historic survey is required. In his October 8, 2020 survey determination letter, Mr. Donnermeyer also concluded that a historic survey is not required because the development would not alter the exterior architectural appearance of significant buildings or structures that are 50 years old or older, and would not compromise other historic features in the surrounding area that are important in defining the historic or architectural character of significant historic structures. Given this information, a historic survey was not required, consistent with Commission Rule 350-81-540(1)(c)(B).
5. Commission Rule 350-81-052(1)(b)(B) states:

The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.

Conditions of approval for this application shall include the GMA guidelines that protect cultural resources and human remains discovered during construction.

CONCLUSION:

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposed lot line adjustment is consistent with the expedited review use guidelines in Commission Rule 350-81-052(1)(b) that protects cultural resources in the National Scenic Area.

C. RECREATION RESOURCES

1. Commission Rule 350-81-052(1)(c) describes the recreation resource protection guidelines for expedited review uses. Commission Rule 350-81-052(1)(c)(A) states:

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

There are no established recreation sites on adjacent parcels. As such, this standard does not apply.

CONCLUSION:

The proposed lot line adjustment is consistent with the expedited review use guidelines in Commission Rule 350-81-052(1)(c) that protects recreation resources in the National Scenic Area.

E. NATURAL RESOURCES

1. Commission Rule 350-81-052(1)(d) describes the natural resource protection guidelines for expedited review uses.
2. Commission Rule 350-81-052(1)(d)(A) is the guideline for protection of wetlands, streams, rivers, ponds, and lakes. Commission Rule 350-81-052(1)(d)(A)(i) states:

The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

This application is for a lot line adjustment. This guideline does not apply.

3. Commission Rule 350-81-052(1)(d)(B) is the guideline for protection of sensitive wildlife and sensitive plants. Commission Rule 350-81-052(1)(d)(B)(i) states:

The development meets one of the following:

(I) The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or

(II) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

(III) For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development 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.

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon or Washington Natural Heritage Program or a person

with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

This application is for a lot line adjustment and will not disturb the ground. As such, this application meets the resource protection guideline described in Commission Rule 350-81-052(1)(d)(B)(i)(II).

4. Commission Rule 350-81-052(1)(d)(B)(ii) states:

Development eligible for expedited review shall be exempt from the field survey requirements for sensitive wildlife or sensitive plants [350-81-580(1)(b) and (2); 350-81-590(1)(b) and (2)].

No field survey is required for this application.

CONCLUSION:

The proposed lot line adjustment is consistent with the expedited review use guidelines in Commission Rule 350-81-052(1)(d) that protects natural resources in the National Scenic Area.

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-81-052(2) describes the treaty rights protection guidelines for expedited review uses.
2. Commission Rule 350-81-052(2)(a) states:

Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.

This application is for a lot line adjustment. During the comment period, no tribal government raised concerns related to treaty rights. The application for a lot line adjustment does not in itself affect or modify any treaty or other rights of any Indian tribe. The application does not contemplate future development that may affect or modify treaty rights, and the application would not allow either parcel to develop in a manner that would cause conflict with treaty rights protections.

2. Commission Rule 350-81-052(2)(b) states:

The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

No comments were received from any tribal government regarding this application.

2. Commission Rule 350-81-052(2)(c) states:

Except as provided in 2.b above, the GMA and SMA treaty rights and consultation goals, policies and guidelines in Chapter 3, Section IV of the Management Plan shall not apply to proposed developments reviewed under the expedited review process.

The GMA and SMA treaty rights and consultation goals, policies, and guidelines have not been applied to this application, in compliance with this guideline.

CONCLUSION:

The proposed lot line adjustment is consistent with the expedited review use guidelines in Commission Rule 350-81-052(2) that protects treaty rights in the National Scenic Area.

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