COLUMBIA RIVER GORGE COMMISSION
DIRECTOR’S DECISION

CASE FILE: C21-0006

PROPOSAL: The Columbia River Gorge Commission has received an application for a
ground-mounted solar panel array.

APPLICANT: Frank Coale

LANDOWNER: Frank Coale

LOCATION: The subject property is 1.5 acres and is located at 100 Riverview Drive, Lyle, in
the NW ¼ of Section 16, Township 2 North, Range 13 East, Willamette
Meridian, Klickitat County, Washington. Tax Lot Number 02-13-1662-0001/00.

LAND USE DESIGNATION: General Management Area (GMA) – Residential (5)

DECISION: Based upon the following findings of fact, the land use application by Frank Coale, for a new solar
panel array, 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 C21-0006, 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-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 accessory structures, additions, alterations, or grading not included in the approved application or site plan will require a new application and review.

4. The developments shall be constructed as shown on the approved project description, site plan and elevation drawings. The array shall consist of no more than thirty-six solar panels total and be three structures. Each structure shall be fifteen feet by twelve feet, consisting of twelve panels with a total area of 180 square feet, and no taller than ten feet. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented. Any additional solar panels not included in the approved application or site plan will require a new application and review.

5. All exterior building materials shall be black. Solar panels shall be black, including panels and frames, to minimize reflectivity, with no bare aluminum framing or bare structural surfaces. The metal framing of the solar panels shall be painted with matte black paint and maintained as necessary to ensure the building materials are nonreflective. Any proposed changes to this color shall be submitted to the Gorge Commission for review for consistency with this condition of approval. The color of the development shall be maintained by painting and staining as necessary to maintain the approved color.

6. All exterior building materials shall be nonreflective or have low reflectivity. Solar panels shall be black including panels and frames, to minimize reflectivity, with no bare aluminum framing or bare structural surfaces, including brackets and fasteners. The metal framing of the solar panels shall be painted with matte black paint and maintained as necessary to ensure that the material is nonreflective.

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 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 a FINAL INSPECTION to confirm compliance with all of the conditions of approval. Project completion means completion of all work to the exteriors of structures (including painting). The applicants shall arrange the inspection by calling the Gorge Commission at (509) 493-3323 or info@gorgecommission.org.
DATED AND SIGNED THIS 27th day of September 2021 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 27th day of September 2023 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 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 applicant shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicant is not responsible, would prevent the applicant 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 27th day of October 2021.
The decision of the Executive Director is final unless the applicants 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.

c: 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 C21-0006
   Approved site plan and elevation drawings
Sun/shade evaluation:
South panels = 90% sun, 180
SW panels = 96% sun, 190
wsw panels = 98%, 215
Panels are tilted at 30

Frank Coale  
100 River View Drive  
Lyle WA, 98635
SunPower® X-Series Residential Solar Panels | X21-335-BLK | X21-345

SunPower Offers The Best Combined Power And Product Warranty

Power Warranty

Product Warranty

More guaranteed power - 95% for first 5 years, ~0.4% yr to year 25 "

Combined Power and Product defect 25-year coverage

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<th>Environments</th>
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<td>Humidity</td>
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<td>Salt Spray</td>
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<td>Power: 1000 W/m², 1000 W/m², 1000 W/m², 1000 W/m²</td>
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<td>Salt Spray</td>
<td>30% RH, 100 psf, 2400 Pa, 1 cycle/week at 80°F</td>
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<tr>
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<td>50 psf, 2400 Pa front &amp; back</td>
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<td>Snow Load</td>
<td>112 psf, 5400 Pa front</td>
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G5 Frame: WinT 62 psf, 3000 Pa front & back
Snow: 125 psf, 6000 Pa front
G3 Frame: Wind 50 psf, 2400 Pa front & back
Snow: 112 psf, 5400 Pa front

Frame Class 1 black anodized (Highest AAMA rating)
More than 21% Efficiency
Ideal for roofs where space is at a premium or where future expansion might be needed.

Maximum Performance
Designed to deliver the most energy in demanding real-world conditions, in partial shade and hot rooftop temperatures.1,2,4

Premium Aesthetics
SunPower® Signature™ Black X-Series panels blend harmoniously into your roof. The most elegant choice for your home.

Engineered for Peace of Mind
Designed to deliver consistent, trouble-free energy over a very long lifetime.1,4

Designed for Durability
The SunPower Maxeon Solar Cell is the only cell built on a solid copper foundation. Virtually impervious to the corrosion and cracking that degrade conventional panels.3
Same excellent durability as E-Series panels.
#1 Rank in Fraunhofer durability test.9
100% power maintained in Atlas 25+ comprehensive durability test.10

Unmatched Performance, Reliability & Aesthetics

Highest Efficiency
Generate more energy per square foot
X-Series residential panels convert more sunlight to electricity by producing 38% more power per panel1 and 70% more energy per square foot over 25 years.1,2,3

Highest Energy Production
Produce more energy per rated watt
High year-one performance delivers 8-10% more energy per rated watt.2 This advantage increases over time, producing 21% more energy over the first 25 years to meet your needs.3

SUNPOWER® X-Series Residential Solar Panels | X21-335-BLK | X21-345
Benefits of GroundTrac® Patent #6,360,491

- Industry’s preferred low cost and easiest to install ground mount system
  - Used for kW to Multi-MW projects
- Patented ground mount system ships from available stock
- Proprietary Drop-N-Lock rail insert drops in and locks ProSolar GroundTrac® rails in place
- Over 10 years of ProSolar’s proven design
- Pre-engineered and tested for easy permitting
- No cross-bracing required

APPROVED
Strength Meets Flexibility

The IronRidge Ground Mount System supports wide adjustment of tilt angle, foundation size and depth, and module size. These variables can be quickly optimized for cost and performance using the online Design Assistant tool.

One of the most critical engineering variables is the array size. For example, using 5-high columns in landscape significantly increases the number of modules per pier compared to 4-high columns, saving on pipe and concrete.

Concrete Piers
Concrete piers allow for the largest possible spans and highest lateral force bearing, which eliminates the need for cross bracing.

XR1000 Rail
The curved shape of XR1000 increases vertical and lateral strength, while also resisting bending and twisting. Modules are attached using familiar top-down clamps or under clamps.

2" & 3" Pipe Options
Multiple pipe size options help to optimize cost. 3" pipe can increase East-West spans up to 18 feet, greatly reducing the number of piers and material required.

Compatible with Soil Classes 2-4
The size of Ground Mount foundations depends on a number of factors, including column height and site loading conditions. Stronger and sturdier soil classes (Class 2 and Class 3) allow for reduced foundation depth, saving on materials and labor.

Wide Tilt Angle Range
Lower tilt angles are an effective way of reducing wind loads on ground mount structures, resulting in increased East-West pipe spans and reduced number of foundations. Refer to table on backside to see how tilt angle affects pipe spans.
COLUMBIA RIVER GORGE COMMISSION
STAFF REPORT

CASE FILE: C21-0006

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APPLICANT: Frank Coale

LANDOWNER: Frank Coale

LOCATION: The subject property is 1.5 acres and is located at 100 Riverview Drive, Lyle, in the NW ¼ of Section 16, Township 2 North, Range 13 East, Willamette Meridian, Klickitat County, Washington. Tax Lot Number 02-13-1662-0001/00.

LAND USE DESIGNATION: General Management Area (GMA) – Residential (5)

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 (USFS NSA)
- Washington Department of Archaeology and Historic Preservation (DAHP)
- 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 (WDFW)
- Friends of the Columbia Gorge

Written comments were received from:

- Steve McCoy, Staff Attorney, Friends of the Columbia Gorge
- Chris Donnermeyer, Heritage Resource Program manager, USFS NSA
FINDINGS OF FACT:

A. LAND USE

1. Frank Coale is seeking approval to install a new solar panel array. No grading is proposed. The subject parcel is 1.5 acres in size and located at the Riverview Tracts, located west of Murdock, WA.

2. Commission Rule 350-81-050(1)(a) allows on lands designated Small-Scale Agriculture accessory structures between 60 and 200 square feet in area and 10 feet or less in height. The solar panel array is composed of three individual structures, and each structure is twelve panels; four rows with three panels per row. Each panel is approximately five feet long and three feet wide, so the total area of each array is 180 sq ft. Each array will be ten feet tall, consistent with rule.

3. Commission Rule 350-81-020(90)(d) defines industrial uses as any use of land or water primarily involved in the production of electric power for commercial purposes. The Management Plan expressly prohibits industrial uses in the National Scenic Area. The primary use of the property is residential.

The proposed solar array is rated 12 kW. The array consists of 36 panels; each panel is rated for 335 watts DC max voltage, with a normal voltage of 240 watts AC. If the panels get an average of 5 hours of direct sunlight every day – the average for the area over a year – the energy output would be approximately 1.2 kWh per panel per day. For 35 panels, the annual combined maximum energy production is estimated at 15 MWh per year.

The applicant provided information about the existing power consumption and existing energy generated on the property. The applicant provided information from the Klickitat County PUD including the average usage history from April 2019 to April 2021 for the existing single-family dwelling. The dwelling uses an average of 16 MWh. The applicant also demonstrated that the new addition of an electric car adds an additional 3 MWh per year. The total use for the house is approximately 19 MWh per year, and the total output of the array will be 15 MWh per year.

As currently constructed, the total generating capacity of the arrays is approximately the same as the annual energy needs for the residential use on the property. The system is sized to meet only the energy consumption needs of the residence. The solar panels included in this development are intended to be accessory and subordinate to the primary use of the parcel as a residential use.

CONCLUSION:

The proposed development is an allowed expedited review use, subject to compliance with the guidelines in Commission Rule 350-81-052 that protect scenic, cultural, natural and recreation resource treaty rights.
B. SCENIC RESOURCES

1. Commission Rule 350-81-052(1)(a)(B) states:

   Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

   The applicant has chosen the color black for the solar panel array. A condition of approval is included requiring every aspect of the array to be black, including panels, frames, brackets and fasteners, consistent with this requirement.

2. Commission Rule 350-81-052(1)(a)(C) states:

   Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents and chimneys.

   By design, solar panels are intended to absorb as much sunlight as possible as opposed to reflecting it. As a result, the reflectivity of solar panels is significantly less than other building materials including glass and asphalt shingles. The most potentially reflective component of solar array is the framing. The solar panel array will be composed of black panels, specifically with black frames, and a metal framing painted matte black, including brackets and fasteners. This requirement is included as a condition of approval.

3. Commission Rule 350-81-052(1)(a)(D) states:

   Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

   No outdoor lights are proposed as part of the application.


   Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordinance, not visually evident).

   The array is sited within a half mile of Hwy 141 and the Columbia River which are both key viewing areas (KVAs). The applicable scenic standard is visually subordinate. Factors contributing to the visual subordinance of the development include dark earth tone colors, nonreflective building materials, and site selection. As proposed, the solar panel
array will be low-reflective and black, with black panels and metal frames painted matte black. The array is located near the southeast side of the house, which helps block each structure from view of both KVAs. From Hwy 141, the development is screened by the applicant’s existing dwelling, and from the Columbia River, the development is screened by the existing development and vegetation to the south. As proposed, the proposal is designed to be *visually subordinate*, consistent with this rule.

**CONCLUSION:**

The proposed development is consistent with the expedited review guidelines for scenic resources in Commission Rule 350-81-052.

**C. CULTURAL RESOURCES**

1. Commission Rule 350-81-052(1)(b) includes cultural resource protection provisions for uses eligible for the expedited review process. It states:

   
   **(A)** *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).*

   **(B)** *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.*

Chris Donnermeyer, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on July 15, 2021. Mr. Donnermeyer determined that the proposed development does not require a reconnaissance survey or historic survey pursuant to Commission Rule 350-81-540(1)(c)(B) because no native soils would be disturbed, the development would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and the development would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.

Mr. Donnermeyer did note the property is located within a high probability area and is also within the boundary of archaeological site. Given the cultural sensitivity of the area, the application materials and an additional addendum provided by the applicant were provided to the Tribes and DAHP with an additional 21 days to review and determine if any additional cultural resource surveys or archaeological monitoring should be conducted. The comment period began on July 19, 2021, and ended on August 9, 2021. No comments were received. With conditions of approval requiring the protection of cultural resources and human remains discovered during construction, the proposed development is consistent with the cultural resource protection guidelines in Commission Rule 350-81-052(1)(b).
CONCLUSION:

With conditions to protect unknown cultural resources or human remains discovered during construction, the proposed development is consistent with the cultural resource guidelines for expedited review in Commission Rule 350-81-052(1)(B).

D. NATURAL RESOURCES

1. Commission Rule 350-81-052(1)(d) lists natural resource protection guidelines for expedited review uses. To qualify for the expedited review process, Commission Rule 350-81-052(1)(d)(A)(i) requires new development is located outside buffer zones for wetlands, streams, rivers, ponds, and lakes, except for lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

There are no wetlands on the site or within 1,000 feet. Pursuant to Commission Rule 350-81-560(7)(c), wetlands have 150-foot buffers. The proposed development is located outside of the buffer zones for any wetlands.

According to the Gorge Commission’s resource inventories, the site is located over 800 feet north of the Columbia River, and there is a perennial stream located 150 feet east of the site. Pursuant to Commission Rule 350-81-570(7), perennial streams have 100-foot buffers. The proposed development is located more than 100 feet from the ordinary high-water mark of any stream and outside of the buffer zones. The proposal would not be located within the vicinity of any wetlands, rivers, ponds, or lakes, consistent with Commission Rule 350-81-052(1)(d)(A)(i).

2. Commission Rule 350-81-052(1)(d)(B) contains expedited review guidelines to protect sensitive wildlife and sensitive plants. It requires eligible development to meet one of the following circumstances:

   (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.

The Gorge Commission’s sensitive wildlife inventory does not identify any known sensitive wildlife areas or sites excluding sensitive aquatic species, deer winter range, and turkey habitat within 1,000 feet of the proposed development. Commission staff notified Amber Johnson, with Washington Department of Fish and Wildlife of the proposed development and sent a copy of the site plan on May 12, 2021. The notice included a comment period of 21 days that ended on June 2, 2021. WDFW did not indicate any concerns with the proposed development.

The Gorge Commission’s sensitive plant inventory did not identify any potentially sensitive plant sites within 1,000 feet of the proposed development. The proposed addition is consistent with the natural resource protection measures in Commission Rule 350-81-052(1)(d)(B)(I).

CONCLUSION:

As proposed, the development is consistent with the natural resource protection guidelines for expedited review in Commission Rules 350-81-052(1)(d)(B)(I) and (II).

E. RECREATION RESOURCES

1. Commission Rule 350-81-052(1)(c)(A) requires new development approved under the expedited review process to not detract from the use and enjoyment of recreation sites on adjacent parcels.

The parcel is designated Recreation Class 2 according to the Gorge Commission’s Recreation Intensity Class Map. There are no recreation sites on adjacent parcels. The proposal will not detract from the use and enjoyment of recreation sites on adjacent parcels, consistent with this rule.

CONCLUSION:

The proposed development is consistent with the recreation resource guidelines for expedited review in Commission Rule 350-81-086.

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-81-052(2) requires developments reviewed using the expedited review process to comply with the following treaty rights protection guidelines.

(a) Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.
(b) The expedited development review process shall cease and the proposed developments 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 substantive comments identifying treaty rights or concerns were received from Indian tribes during the comment period. The site is located over 800 feet north of the Columbia River and does not affect treaty fishing or fishing practices. The project also does not affect any first foods or traditional foods located in the vicinity. Given this information, the development does not affect or modify any treaty or other rights of any Indian tribe and is consistent with Commission Rule 350-81-052(2).

CONCLUSION:

The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-81-052(2).

BG
FIND0006.21